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JOURNAL
OF
THE SENATE

OF THE

COMMONWEALTH OF VIRGINIA:

BEGUN AND HELD AT THE CAPITOL,

IN THE CITY OF RICHMOND,

ON WEDNESDAY, THE FOURTH DAY OF DECEMBER, IN THE YEAR ONE THOUSAND EIGHT HUNDRED AND SEVENTY-TWO—BEING THE NINETY-SIXTH YEAR OF THE COMMONWEALTH.

RICHMOND:

R. F. WALKER, SUPERINTENDENT OF PUBLIC PRINTING.
1872.

Virginia

333252

WILLIAM RADY
PRINTERS RICHMOND

FERGUSSON & RADY, PRINTERS, RICHMOND.

ERRATA.—For Mr. "Greene," on page 28, line 30, read Mr. "Greever."
On page 163, Senate bill 160, for "services", read "juries."
On page 277, in 8th and 11th lines, insert "members."
On page 280, for "regulations," read "resolutions."
For "J. C. Robinson," whenever it occurs, read "J. C. Robertson."
For "Wm. P. Boyle," wherever it occurs, read "Wm. P. Bogle."
On page 330, 3rd line from bottom, for "bill was" read "bills were."
On page 351, Senate bill 54, for "Bank of Rockingham," read "Rockingham Bank."
On page 406, for "Wm. J. H. C. Jones," where it first occurs, read "J. H. C. Jones."
On page 424, for "W. Kemp," where it first occurs, read "W. Kemp."
On page 425, for "W. T. Beazley," where it first occurs, read "W. S. Beazley."
Senate bill 317, page 429, add "was taken up, read second, and ordered to be engrossed and
read a third time."
On page 221, Senate bill 155, for "Richmond city," read "Portsmouth."

SENATE JOURNAL.

WEDNESDAY, DECEMBER 4, 1872.

The Senate met at 12 M., and was called to order by Lieutenant Governor John L. Marye, Jr.

Prayer by Rev. T. G. Dashiell.

The Chair announced that there was a quorum present; thereupon, on motion of Mr. Greever, the rules of the last session were adopted for the government of this body.

They are as follows:

1. No member shall absent himself from the service of the senate unless he be sick or unable to attend.

2. When any member is about to speak in debate, or deliver any matter to the senate, he shall rise from his seat, and without advancing, with due respect, address "Mr. PRESIDENT," confining himself strictly to the point in debate, and avoiding all disrespectful language.

3. No member shall speak more than twice on the same subject, without leave of the senate; nor more than once, until every member choosing to speak, shall have spoken.

4. A question being once determined, must stand as the judgment of the senate, and cannot, during the same session, be drawn again into debate. No motion to suspend the rule for the purpose of reconsidering a bill which has been lost for want of a constitutional majority, shall be entertained unless it be made by a senator voting with the minority: provided, however, that when any question is decided in the negative simply for the want of a majority of the whole senate, any senator who was absent from the city of Richmond, or detained from his seat by sickness at the time of the vote sought to be reconsidered, may move its reconsideration.

5. While the President is reporting or putting any question, or the clerk is reporting a bill or calling the roll, none shall entertain private discourse, stand up, walk into, out of, or across the senate chamber.

6. Every senator present, when any question is put or vote taken, shall vote or be counted as voting on one side or the other; but no senator shall vote on a question in the event of which he is immediately or personally interested.

7. Every question shall be first put in the affirmative, and then in the negative, and the President shall declare whether the yeas or nays have it; which declaration shall stand as the judgment of the senate, unless a senator call for a division, in which event the President shall divide the senate.

8. A motion for a second reading, and a motion for committing the

bill, may be submitted at the same time; but the question upon these motions shall be put separately, if required by any senator.

9. Any senator may call for a division of the question, which shall be divided if it comprehend propositions so distinct in substance that one being taken away, a substantive proposition shall remain for the decision of the senate; and a motion to strike out being lost, shall preclude neither amendment, nor a motion to insert, nor a motion to strike out and insert.

10. The clerk of the senate shall not suffer any records or papers to be taken from the table or out of his custody by any person except a chairman of a committee, but he may deliver any bills or papers, directed to be printed, to the printer of the senate, or to any senator, on taking his receipt for the same.

11. A majority of senators shall be necessary to proceed to business; five may adjourn, and nine may order a call of the senate, send for absentees, and make any order for their censure or discharge. On a call of the senate, the doors shall not be closed against any senator until his name shall have been once enrolled.

12. When the senate adjourns each day, every senator shall keep his seat until the President leaves his seat.

13. The Journal of the senate shall be daily drawn up by the clerk, and after being examined by the President, shall be read the succeeding day; it shall be printed under the supervision of the clerk, and delivered to the senators without delay.

14. If any question be put upon a bill or resolution, the President shall state the same without argument.

15. No question shall be debated until it has been propounded by the President, and then the mover shall have the right to explain his views in preference to any other senator.

16. When the President is putting a question, any senator who has not spoken before to the matter, may speak to the question before the negative is put.

17. During any debate, any senator, though he has spoken to the matter, may rise and speak to the orders of the senate, if they be transgressed, in case the President do not; but if the President stand up at any time, he is first to be heard, and while he is up, senators must keep their seats.

18. When a bill or resolution of the house of delegates is passed or rejected by the senate, it shall remain under the control of the senate for the space of two days, and the fact of the passage or rejection, with the bill or resolution, shall then be communicated to the house of delegates, unless otherwise ordered.

19. All bills or other business originating in the senate shall be despatched in the order in which they are introduced, and all bills and resolutions sent from the house of delegates shall be despatched in the order in which they are sent, unless in either case the senate direct otherwise.

20. All bills originating in the senate shall be read on three separate days, and in case they be of a general nature, they shall be printed after their first reading.

21. Bills and resolutions originating in the house of delegates, and not requiring immediate action, shall be read the first and second times when received, and referred to their appropriate committees, unless the senate direct otherwise.

22. A bill presented by a senator, by leave of the senate, may be committed before its first reading; but no bill reported from a committee of the senate shall be recommitted or amended until it has been twice read, nor shall any bill be amended after its third reading except by the unanimous consent of the senate.

23. Joint resolutions originating in the senate, shall lie on the table one day at least, unless otherwise ordered.

24. The yeas and nays on any question shall, at the desire of five senators, be entered on the Journal, and any senator may enter a protest on the Journal upon the determination of any question. After the yeas and nays shall have been taken, and before they are counted or entered on the Journal, the clerk shall read over the names of those who voted in the affirmative and of those who voted in the negative, at which time any senator shall have the right to correct any mistake committed in enrolling his name.

25. Upon a motion for the pending question, seconded by seven senators, indicated by rising, no senator shall speak more than five minutes. If on the question, "Shall the pending question be now put?" a majority of the senate vote in the affirmative, the President shall immediately put the pending question, and all incidental question of order arising after a motion for the pending question is made, and pending such motion, shall be decided, whether on appeal or otherwise, without debate.

26. When a question is pending, no motion shall be received but to adjourn, for the pending question, to lie on the table, to postpone indefinitely, to adjourn the question to a different day, to commit, or amend; which several motions shall have precedence in the order in which they are arranged.

27. If words be spoken in debate that give offence, exceptions thereto shall be taken the same day, and be stated in writing; and in such case, if the words be decided by the President or by the senate, upon an appeal, to be offensive, and they be not explained or retracted by the senator who uttered them, he shall be subject to such action as the senate shall deem necessary.

28. At the commencement of each session, the following committees shall be appointed:

I. A committee of privileges and elections, to consist of not less than five nor more than nine senators.

II. A committee for courts of justice, to consist of not less than seven nor more than nine senators.

III. A committee on general laws, to consist of not less than five nor more than nine senators.

IV. A committee on roads and internal navigation, to consist of not less than five nor more than nine senators.

V. A committee on finance, to consist of not less than five nor more than nine senators.

VI. A committee on banks, to consist of not less than three nor more than nine senators.

VII. A committee of federal relations, to consist of not less than five nor more than eleven senators.

VIII. A committee on public institutions of the state, to consist of not less than five nor more than eleven senators.

IX. A committee on immigration, to consist of not less than three nor more than nine senators.

X. A committee on county, city, and town organizations, to consist of not less than five nor more than eleven senators.

XI. A committee on enrolled bills, to consist of not less than five nor more than nine senators.

XII. A committee to examine the clerk's office, to consist of three senators.

XIII. Joint committees, each to consist of not less than three nor more than five senators, (except the joint committee on the public printing, which shall consist of two senators,) viz:

On executive expenditures;

On the library;

To examine the office of the auditor of public accounts;

To examine the second auditor's office;

To examine the register's office;

To examine the treasurer's office;

To examine the bonds of public officers;

On the public printing.

29. The standing committees shall be appointed by the President, unless the senate direct otherwise, and each committee shall appoint its own chairman.

30. The clerk of the senate shall appoint five clerks, one of whom shall be clerk of the committee on roads and internal navigation; one, of the committees of general laws and of federal relations; one, of the committees for courts of justice and of finance; one, of the committee on public institutions, the committee of privileges and elections, and the committee on banks; one, of the committee on county, city, and town organizations, and the committee on immigration. The clerks so appointed shall remain in the capitol during the sessions of the senate, and shall perform any duties that the other standing committees may require, when not employed by their respective committees; and the clerk of the senate may also require said clerks, when not employed by the standing committees, to assist in engrossing bills or aid him in the senate chamber when necessary. The said clerks shall be removable by the clerk of the senate, or by the committees of which they are clerks.

31. The several committees shall, in all cases, report whether other cases, comprised within the principal of the matter referred, may arise; and if a bill be ordered, it shall provide for all such cases; and upon any matter referred, the committee shall have power to report by bill.

32. Select committees shall consist of not less than three nor more than nine senators, unless the senate direct otherwise.

33. The committee of privileges and elections shall examine the oaths

taken by each senator, and the certificates of elections furnished by the proper officer, and report thereon to the senate.

34. The committee of privileges and elections shall report, in all cases of privileges or contested elections, the principles and reasons on which their resolutions are founded.

35. The committee on finance shall, at each session, examine into the indebtedness of the commonwealth, the revenue and expenditures of the preceding year, and prepare an estimate of the expenses of the succeeding year, and make such report thereon as they may deem proper.

36. The committee on general laws shall, at each session, examine into the state and manner of administration of the literary fund, and make such report thereon as they may deem proper.

37. To the committee on general laws shall be referred all resolutions and bills concerning the militia, agriculture, manufactures, trade, commerce and mechanic arts, private claims, propositions and grievances, and other matters of a general nature, not properly referable to any other standing committee.

38. To the committee on public institutions shall be referred all bills and resolutions concerning schools and colleges, the penitentiary, lunatic asylums, the institutions for the deaf and dumb and the blind, the armory, and other public property at the seat of government. And it shall be the duty of the said committee to examine, at each session, into the condition of the penitentiary, and make such report thereon as they may deem proper.

39. To the committee on federal relations shall be referred all bills and resolutions touching our relations with the federal government.

40. When the yeas and nays are ordered, or a call of the senate is directed, the names of the senators shall be called in alphabetical order.

41. The President may call any senator to the chair, who shall exercise its functions for the time; but no senator, by virtue of such appointment, shall preside for a longer period than three days.

42. The order of business for each day shall be to read the Journal, to dispose of communications from the house of delegates or the executive, to receive reports from the standing committees, (for which purpose they shall be called over by the clerk,) to receive reports from the select committees, to receive resolutions and petitions, to act upon the unfinished business of the preceding day; and then to take up and act upon the bills and resolutions in the order in which they have been reported or introduced, unless the senate direct otherwise.

43. Before reading each bill, the clerk shall announce whether it is the first, second, or third time of reading the bill.

44. Any person contesting the election of a senator returned to serve in the senate, will be entitled to receive his wages only from the day on which such person is declared duly elected.

45. No senator shall be taken into custody by the sergeant-at-arms, on any complaint of breach of privilege, until the matter is examined by the committee of privileges and elections and reported to the senate, unless by order of the senate.

46. No petition of a private nature, having been once rejected, shall

be acted on a second time, unless it be supported by new evidence; nor shall any such petition, after a third disallowance, be again acted on. The several clerks of committees shall keep alphabetical lists of all such petitions, specifying the sessions at which they were presented, and the determination of the senate thereon; and shall deliver the original petitions to the clerk of the senate, to be preserved in his office.

47. No petition shall be received, claiming a sum of money or praying the settlement of unliquidated accounts, unless it be accompanied with the certificate of disallowance from the executive or auditor, containing the reason why it was rejected. But this order shall extend to no person applying for a pension.

48. When any such petition, or bill founded on one, is rejected, such petition shall not be withdrawn; but the petitioner or senator presenting his petition, or any senator from the county or corporation in which the petitioner resides, may, without leave, withdraw any document filed therewith, and a list of all documents so withdrawn, shall be preserved by the clerk. All petitions not finally acted on, may, with the accompanying documents, be in like manner withdrawn after the expiration of the session at which they were presented.

49. No petition shall be read in the senate unless particularly required by some senator; but every senator presenting one, shall announce the name of the petitioner, the nature of the application, and whether, in his opinion, a similar application had been before made by said petitioner. He shall also endorse on the back of the petition his own name, as a pledge that it is drawn in respectful language; whereupon it shall be delivered to the clerk, by whom it shall be laid before the proper committee.

50. The committee to examine the clerk's office shall see that all papers belonging thereto are properly filed, labelled, and put away in the presses, and that the books belonging to the office are chronologically arranged, and shall make an annual report thereof to the senate.

51. The clerks of the senate and house of delegates may interchange messages at such time between the hour of adjournment and that of meeting on the following day, as that the said messages may be read immediately after the orders of the day.

52. It shall be the duty of the doorkeeper of the senate to preserve, in chronological or numerical order, a copy of every printed document distributed in the senate, and to deliver the same, at the close of the session, to the clerk of the senate, whose duty it shall be to have them bound and preserved in his office for the use of this body.

53. No bill shall be taken up for consideration out of its place on the calendar, unless two-thirds of those voting shall concur in such proposition.

54. The clerk of the senate shall appoint an assistant to aid him in the discharge of his official duties.

55. The clerk of the senate shall appoint an additional assistant, who shall receive the same compensation provided for a clerk of a committee.

56. Whenever the senate proceeds to consider any nominations of the governor, which are subject to the choice or ratification of the senate,

the same shall be considered in executive session, with closed doors, and proceedings thereon shall be secret, unless the injunction of secrecy be removed by a vote of the senate.

57. At the commencement of each session, the President shall appoint four pages, who shall receive for their services three dollars per day each.

58. In order to prevent interruption of the business of the senate, the doorkeeper shall be constantly at his post during the sessions of the senate, and shall admit within the chamber no person, except officers of the government of this and any other state, and of the United States; members and ex-members of congress and house of delegates; their officers; ex-members of the senate of Virginia; ministers of the gospel, and reporters of the proceedings of the senate. But ladies and their escorts may be assigned privileged seats. It shall be his duty, when any person desires an interview with a senator or the President, or the clerk of the senate, to send a message to him, and such person may be admitted to one of the privileged seats, if so invited by either of them. And the President of the senate shall, moreover, be permitted to invite to a seat near the chair any person he may deem worthy of such distinction.

On motion of Mr. Smith, it was ordered that he inform the house of delegates that the senate is organized and ready to proceed to business.

A message was received from the house of delegates by Mr. Watts, who informed the senate that that house is organized and ready on its part to proceed to business.

A message was received from the house of delegates by Mr. Kelley, who informed the senate that that house had adopted the following joint resolution:

"Resolved by the house of delegates, (the senate concurring), That a committee of three on the part of the house and two on the part of the senate be appointed to wait upon his excellency, the governor, and inform him of the organization of the general assembly."

The resolution was taken up and agreed to.

The President appointed Messrs. Quesenberry and Patterson the committee on the part of the senate, and on motion of Mr. Quesenberry, it was ordered that he inform the house of delegates thereof.

Mr. Quesenberry, from the joint committee appointed to wait on the governor, reported that they had discharged that duty, and that the governor desired the committee to present his congratulations to the general assembly on their re-assembling, and to inform the two houses that he would communicate his message in writing.

Subsequently, the governor's message and accompanying documents were communicated to the senate by his secretary, Col. Owens, and the message was read as follows:

COMMONWEALTH OF VIRGINIA,
EXECUTIVE CHAMBERS,
Richmond, December 4, 1872.

GENTLEMEN OF THE SENATE AND
HOUSE OF DELEGATES:

During the year now drawing to a close, the people of this Commonwealth have been blessed with peace, good order, a thorough administration of and obedience to law, and a reasonable degree of prosperity.

The prevalence of a severe drought over the Northern half of the State seriously damaged some of the crops, while almost universally throughout Southern and South-west Virginia the crops were superior to any there grown since the war.

The condition of the people has generally improved, and a better and more hopeful spirit prevails. It cannot be disguised, however, that their future well being, as well as that of the Commonwealth, is largely dependent upon your action during your present session. We have escaped many perils during the past seven and a half years, but others environ us, which will require great wisdom, caution, and comprehensive statesmanship to avoid. A firm and courageous adhesion to the plain and fundamental principles of right under all circumstances, regardless of selfish or demagogic appeals or denunciations, will conduce to the correct and conscientious discharge of every duty.

I bespeak for the varied and important interests of the Commonwealth your careful, deliberate and conscientious consideration and action, assuring you of my hearty co-operation in any and all just measures, having for their object the promotion of the public weal and the development and advancement of the State.

EDUCATION.

The cause of education in our State during the past year has met with the most gratifying success. The number of our common schools has increased to over thirty-six hundred, and the attendance of pupils to over one hundred and sixty-six thousand, and there has been a marked improvement in the excellence of the schools. This is strong evidence of the increased perfection of our school system, and the growing interest and desire of the people for education. The system, however, is not yet perfect, nor is public sentiment in its behalf as far advanced as is desirable; but the success of the past is the sure harbinger of "better things to come." We may confidently hope that the day is not far distant when the opportunities for free education will be afforded every child in the Commonwealth. Our common schools are the source from which our colleges and higher institutions of learning must draw their chief support; and these again will contribute to the

University the larger number of its students. We have in proportion to population a larger number of colleges than any State of the Union, and their superior excellence is attested by the fact that they are all prosperous. Our University stands in the front rank of the literary institutions of the country. It is a University in *fact* as well as in *name*. Founded upon the true theory of a University—a school in which all branches of learning are taught—it has kept abreast of the advancement of the age, and to-day affords facilities for the acquisition of sound learning, equal to, if not greater, than any institution of the country. The recent addition of a school of Agriculture and Industrial Chemistry supplies a growing want, and will largely conduce to its usefulness and prosperity. It is a State institution, founded, owned and controlled by the State; all the people of which ever have, and I trust ever will, cherish a just pride in its well-earned and well-sustained reputation. I commend the report of its Board of Visitors to the careful consideration of the members of the General Assembly.

The report of the Board of Visitors of the Virginia Military Institute, another State institution, makes a most satisfactory exhibit of its condition and prospects. The rapid recuperation of this institution from its almost total annihilation during the late war has been remarkable, thus affording the highest evidence of able management and established reputation and popularity.

Since your last session another State educational institution—the Virginia Agricultural and Mechanical College—has been fully organized and put in operation, with an able corps of officers and professors and a fair attendance of students.

On the 1st of May last the Board of Education (the Rector of the Virginia Agricultural and Mechanical College and the President of the Hampton Normal and Agricultural Institute being present and assenting thereto) sold the land scrip donated by act of Congress at the price of ninety-five cents per acre, which I am informed was a higher price than any State had obtained for its land scrip at that date. The terms of sale required a cash payment at date of sale, and the balance in three instalments, at two, four and eight months, all of which have been made except the last, which falls due on the 1st proximo. From the sum total of \$285,000 realized from this sale, \$19,000 has been set aside by the request of the Board of Visitors of the Virginia Agricultural and Mechanical College to be used in the purchase of a farm for that institution, and the balance, as received, has been and is being invested in the bonds of this State \$300,000 having already been purchased. I trust that the General Assembly will promptly place this investment upon the same footing as like investments of the other educational institutions in the State. The Virginia Agricultural and Mechanical College is almost wholly dependent for its support upon the interest accruing upon this investment, and unless that interest be promptly paid much embarrassment will ensue, and sooner or later its doors will have

to be closed. While originally doubting the wisdom of organizing an independent college for the purpose of realizing the benefits of this trust fund, now that that course has been adopted, I am extremely anxious to have the experiment prove a complete success, and to have this institution amply and satisfactorily fulfill the special purposes of its organization. It should constantly be borne in mind, however, by all, that the proceeds derived from the sale of the congressional land scrip constitute a special fund for special purposes, and that the State is the trustee of that fund, charged with the duty of administering the trust according to its prescribed terms and conditions. The Hampton Normal and Agricultural Institute is doing most efficient service in the cause of education, and that portion of the interest accruing upon the land scrip fund set apart for the use and benefit of this institution I have no doubt will be judiciously and properly expended.

This brief review of the character and condition of our schools, colleges and University clearly demonstrates an important fact, and that is, that Virginia possesses educational advantages equalled by few and excelled by none of her sister States. And these advantages are constantly increasing and developing, and I entertain the confident hope that Virginia will yet become the great educating State of the Union. Her climate, her facilities of communication, as well as her geographical and historical position, will all contribute to this desirable result. Already our higher institutions of learning are frequented by students from more than two-thirds of the States of the Union, and the time is not far distant when our University, if fostered and sustained as it deserves to be, will reckon among its matriculates the graduates of every college in the United States. The work of educating and elevating the people should be the highest and most patriotic aspiration of the christian and the statesman. Universal suffrage is now an established and fundamental principle of our government, and its modification or restriction, even if desirable, is beyond the pale of reasonable probability. With this indubitable fact staring us in the face, our duty becomes plain and unquestioned. If, as has been said, and I believe truly, that "the safety of the Republic depends upon the virtue and intelligence of the people," that virtue should be elevated, and that intelligence increased by every and all lawful and legitimate means and influences at our command. "That country is best governed which is least governed," and "that government is the best, which is best administered," are political maxims the practical realization of which can only be attained through the education and consequent mental and moral elevation of the people.

CONSTITUTIONAL AMENDMENTS.

The act of March 19, 1872, providing for the submission to the people, at the election in May last, of a proposed amendment to the Constitution of Virginia in relation to the clause in respect to

and entitled "Usury," has been fully executed. The amendment was adopted, and a proclamation by the Governor making known the result, as required by the fifth section of said act, was duly issued, a copy of which is herewith submitted. The adoption of this amendment strikes from the Constitution the inhibition contained in the last clause of the tenth article of the Constitution, and remits the whole subject of the rate of interest upon money to the control of the Legislature. The little interest felt by the people in this subject was evidenced by the fact that less than one-fourth of them voted upon the subject, and that of a total poll of 60,492 votes, 20,326 were against the adoption of the amendment. Two other amendments to the Constitution were recommended in my last annual message, and events which have since transpired, not only add force to the reasons then urged for such action, but suggest others of equal or greater cogency.

The shameless pollution of the ballot which has recently been witnessed in some of our sister States forces upon us the grave consideration whether the very foundations of our social and civil fabric are not being sapped by corruption, and whether the ballot, instead of being the palladium of our liberties, is not becoming the instrument of their destruction. Certainly every guard and protection should be employed to preserve and maintain the purity of elections and the free, untrammeled expression of popular sentiment. The imposition of an annual tax of two dollars upon every citizen of the Commonwealth of twenty-one years of age and upwards, to be devoted exclusively to the support and maintenance of our common schools, and prohibiting any one from voting until he exhibits a proper certificate of the payment of this tax, would not only very materially lessen the burthen of taxation upon property, but would also throw an additional safeguard around the ballot box.

An amendment providing for the election of all our State officers in May, instead of November, I still urge upon your attention, and for the reasons stated in my last annual message.

That our fundamental law requires modification and improvement in these and some other particulars, our experience has fully demonstrated; but whether this cannot be accomplished without the intervention of a Convention as promptly, and with far less expense, is a subject of great gravity and importance, and should receive the most deliberate and profound consideration.

FINANCES.

I have heretofore laid before the General Assembly my views upon the subject of our public debt, and the proper financial policy to be pursued, so fully, that I deem it unnecessary to repeat them again here. Some of these views have been partially sanctioned by legislative action, but none of them fully. They all constituted a general plan or policy, each part of which was essential to the completeness and success of the whole. The failure to adopt

all, together with the modification of some, and the repeal of others in part adopted, and the substitution of something else in their stead, has so mutilated and distorted the original plan as to render it hardly recognizable, and involved the whole subject in confusion and difficulty, from which it will require both wisdom and courage to extricate it. Taxation and finance, at all times difficult and delicate subjects to deal with, come before you at this time under embarrassments and complications more numerous and troublesome than ever. To deal with these subjects wisely and well they must be grasped in their entirety, and broad and comprehensive measures adopted and adhered to. A shifting, uncertain, temporizing policy, always and under almost all circumstances baneful and demoralizing, when applied to subjects of such overshadowing importance as these, inflict injuries fully commensurate with the importance of the subjects involved. What we need is a wise, comprehensive, just and permanent policy upon these subjects, and without it confusion, distress and dishonor will be the inevitable result. I trust that you will approach the consideration of these important subjects with a calm, dispassionate, but determined purpose to so far as possible, equitably and properly adjust our system of taxation, restore the tarnished credit of the State, and place it once more upon a sound and healthy basis.

The reports of the Treasurer, the First and Second Auditors, and the Commissioners of the Sinking Fund, exhibit in detail the operations of their several departments during the last fiscal year, and the condition of the treasury and the public debt at its close on the 30th day of September last.

I desire, in passing, to call the attention of the General Assembly to one or two items contained in the very lucid report of the Second Auditor, for the purpose of dispelling some misapprehension which seems to have prevailed as to the total amount of the public debt. *First*, our public debt has not been increased one dollar since 1861, except from the accretions of interest, which we have not been able to pay. *Second*, the total old debt (authorized to be funded under the act of March 30, 1871) on the 1st of July, 1871, after deducting payments by railroads then or since made, was \$45,718,112 23, two thirds of which is \$30,478,741 49, on which amount you authorized the payment of interest during your last session, thus forever silencing the question of our liability for two thirds of the original debt with accumulated interest. In my last annual Message, I expressed the opinion that after the assets of the State available for that purpose, consisting principally of railroad indebtedness and stocks, were applied to the reduction of the principal of the debt, the amount upon which we should have to pay interest under the Funding Act would not exceed \$26,000,000, the annual interest upon which would be \$1,560,000. These assets consist principally of a first mortgage upon the Richmond and Danville Railroad of about \$480,662; a second mortgage upon the Atlantic, Mississippi and Ohio Railroad for \$4,000,000; stocks in

the Richmond, Fredericksburg and Potomac Railroad Company, amounting to \$275,200, and in the Chesapeake and Ohio Railroad Company \$2,013,987 50, amounting in all to \$6,769,849 50. Some of these assets are worth more, and some not quite as much as State bonds, but it is entirely safe to say that within twelve months they will bring their full sum total in State bonds. Now deduct this sum from the total debt, as given by the Auditor, and it leaves a balance of only \$38,948,262 73, two thirds of which is \$25,965,-508 48, the annual interest upon which would be but \$1,557,980 50. But the General Assembly in February last repealed the law authorizing the sale of those assets, although that law prohibited their sale for less than their market value, or for less than their par value in State bonds. Now, from none of these assets does the State derive any income whatever, except from the small amount of the mortgage of the Richmond and Danville Company, nor do these interests give the State any control in the management of these companies; and yet the amount they represent in State bonds is certainly accumulating interest against the State, and I can see no good reason why that amount of interest should not be stopped, and the State relieved from that amount of burthen. It appears to me that it would be wise to provide for their conversion by the State into State bonds as speedily as possible.

By the 14th section of the act in force March 15, 1872, the valuation of lands, as ascertained in pursuance of the act approved July 9, 1870, and the acts in force January 24 and February 1st, 1872, was declared to be permanent, and on that basis the taxes of 1872 were levied. Now the act in force January 24, 1872, was expressly repealed by an act in force February 21st, 1872, and hence all taxes levied upon assessments as revised and changed on appeals to the county courts by authority of this latter act are unauthorized and void. It is probable that nearly all the appeals to the county courts were heard and determined by virtue of the act in force February 21st, 1872, and hence it will be necessary for the Legislature to promptly validate the assessment of taxes made upon the valuations thus determined. In this connection, I desire to renew the recommendation contained in my last annual Message upon the subject of the

EQUALIZATION OF TAXES.

When you assembled one year ago numerous complaints were made as to the great inequality of taxation in different sections of the State, and in most instances the complaints were just. The General Assembly undertook to remedy the evil complained of in two ways—first, by extending the time within which appeals might be taken to the county courts by those feeling themselves aggrieved by the action of the assessors, and, second, by providing for an entire reassessment of the lands in any county upon certain prescribed proceedings being had. Probably one third of the counties of the State have taken action under one or the other of these acts, and

the result has been a very considerable reduction in assessed valuations; but the remedy has rather increased than diminished the real evil. Complaints, and well founded, too, still exist, and you will again be called upon, I have no doubt, for further relief from unequal assessments, and you and your successors may go on *ad libitum* with these measures of temporary and partial relief without ever satisfying the people or correcting the evils existing. The real evil does not lie in the fact that assessments are too high or too low, but rather in the fact that they are *unequal*. Abstractly, it matters not that property is assessed at one-half or its full value, provided always the assessment is *equal*—that is, that a dollar's worth of property in one section is assessed at the same amount as every other dollar's worth in the State. Absolute equality is unattainable, but it can be approximated. One of the duties now imposed by law upon the Board of Supervisors of each county is to “examine the books of the assessors and regulate and equalize the valuation of property.” If it is necessary to equalize the valuations of property among the several townships of each county, is it not equally or more necessary to equalize such valuations among the several counties composing the State? By an act passed March 24th, 1838, providing for a reassessment of the lands in the Commonwealth, and which was in force for eighteen years, a very good system for the equalization of the assessments throughout the entire State was provided, which might now be put in force, and undoubtedly with the happiest results.

The several acts in force January 24th, February 1st, and February 21st, were not approved by me, because I did not deem them the proper remedy for the evil complained of. To the act in force February 1st, 1872, providing for a reassessment, there was an additional objection. I entertained grave doubts as to its constitutionality. The sixth section of the tenth article of the Constitution is in these words: “The General Assembly shall provide for a reassessment of the real estate of this State in the year 1869, or as soon thereafter as practicable, and every fifth year thereafter, provided, in making such assessment no land shall be assessed above or below its value.” In interpreting constitutional provisions, it is a safe rule to adopt that where “directions are given respecting the times or modes of proceeding in which a power should be exercised, there is at least a strong presumption that the people designed it should be exercised in that time and mode only.” The provision of our Constitution just quoted, and by authority of which any and all assessments of lands must be made, prescribe, in mandatory terms, both the times and mode in which reassessments of the real estate in the State shall be made. A reassessment shall be made “in the year 1869, or as soon thereafter as practicable, and every fifth year thereafter,” but in making such assessments no land shall be assessed “above or below its value.” The very just rule here prescribed, that land shall be assessed neither above nor below its value, is applicable only to “such” as-

sessments as are made at the times prescribed in the preceding clause, viz: the first assessment and those made every fifth year thereafter. No rule is prescribed as to any other assessment, nor are any other assessments authorized. If the intent were to permit other assessments at other times, why was not this rule as to value enlarged and made applicable to *all*, rather than "*such*" assessments as were enumerated? Why was not such intent expressed as that a reassessment should be made in 1869, and every fifth year thereafter, *and oftener if necessary?* If the power of the General Assembly were unlimited in this respect, why attempt to prescribe the times and mode of its execution? The power to impose taxation is inherent in every government, and is uncontrolled except by the fundamental law. When, however, restrictions and limitations are prescribed by the Constitution, this power must be exercised within the established and defined bounds. The Constitution of 1851 did not contain the section under discussion, and the fact that it was incorporated in our present Constitution raises a strong presumption that its framers not only deemed some limitations upon the powers of the General Assembly in this behalf essential, but also that they intended that the power should be exercised only at the times, and in the manner prescribed. While I am not prepared to pronounce this act to be "in palpable violation of the Constitution," I entertain such grave doubts upon the subject that I would counsel an avoidance of any further legislation of this character. I have no doubt that in some localities lands have decreased, while in others they have increased in value since the assessment of 1870, but can the Legislature undertake to accommodate its legislation to every temporary fluctuation in the value of property in every locality in the State? What is needed, and what we have not yet had, is a fair, just and equal valuation of the property in the Commonwealth; but this cannot be attained by a reassessment, even if the Legislature had the undoubted authority to order it. It can only be accomplished by some plan of equalization, which shall as near as possible secure the assessment of all property at its real value, as prescribed in the Constitution.

CHARITABLE INSTITUTIONS.

The reports of our three Insane asylums, and the Institution for the Deaf, Dumb and Blind, are herewith submitted. All these institutions have been most admirably managed during the past year, reflecting the highest credit upon the officers in charge and the several Boards of Directors. I again urge upon the General Assembly the necessity for increased accommodation for the insane. Large numbers of these unfortunates are confined in our jails because there is not room for them in either asylum. Our present asylums must be enlarged, or a new one constructed. I am still of the opinion, and for the reasons urged in my last annual message that it is advisable to establish "another asylum at Lynchburg or some other point equally accessible to that portion (the South

Side) of the State." All things considered, I deem it unwise to attempt the enlargement of either our eastern or western asylums. I regret to see a renewal on the part of the authorities of the former of a persistent and as I think unwise effort to secure from the legislature a sanction of an expensive scheme for the enlargement of that institution.

PENITENTIARY.

While the Penitentiary is in better condition, and is as well, if not better managed than ever before, it has not during the past year been as successful in the reduction of expenses and the increase of its earnings as I had hoped, nor as I believe it would have been, had the recommendations which I have heretofore made been promptly sanctioned by proper legislation. It was a charge upon the treasury during the last fiscal year over and above all receipts of \$66,950 78; but when the amount earned, but unpaid, on the 1st of October last for the hire of convicts, the value of the labor performed by convicts upon the Capitol and Penitentiary improvements, together with the amount expended in the permanent improvements of the latter are taken into consideration, it will be found that the actual cost of this institution to the State was less than \$40,000; and this, too, notwithstanding the fact that the number of prisoners was about as large as during any preceding year.

Some changes have been made in the system of hiring out convicts. Formerly, the contractor bore all the expense of the care, custody, clothing and maintenance of the convicts employed by him, and paid to the State twenty five cents for each day's labor performed. The changes which I have made are in the price per day, which has been raised to forty cents, and placing the medical care and superintendence of the convicts entirely under the control of the surgeon of the Penitentiary. Thus the State will realize fully one third more for each day's labor performed, and the health and general condition of the convicts be more carefully and satisfactorily maintained and protected. There were on the 1st of October last 823 convicts, of whom 357 were hired out to labor outside of the Penitentiary, in pursuance of the act of April 23d, 1870.

I cordially commend the recommendation of the Board of Directors as to increased accommodations within the Penitentiary, and I desire to call especial attention to the valuable suggestions of the surgeon. And in this connection I desire again to call attention to the necessity of some provision for the separate care and custody of youthful convicts, and repeat here the language of the message of December 7th, 1870: "Another change is required in our prison system. Now, the youth of twelve or fifteen years, sent to the Penitentiary for a year, perhaps for larceny, may be incarcerated in a cell with a wretch hardened by twenty years of crime. At the end of twelve months the youth graduates from prison a perfect master of all the arts and appliances of

an accomplished thief and burglar, ready and eager perhaps to put in practice the knowledge acquired during his year's association with the depraved companion of his cell. This may be an extreme case, but not at all an improbable one. There are many cases now in our Penitentiary differing from this only in degree. Now prisons should be reformatory as well as punitive. While the criminal is punished for a violation of law and for its vindication, as well as for an example to others, no efforts should be spared to reform and elevate his moral nature. Particularly should all instrumentalities possible be used to reform the young, impressionable and inexperienced. They should be removed from the contaminating influence and association of older, more experienced and hardened criminals. We ought to have a reformatory prison for youths under eighteen years of age, separate and distinct from the Penitentiary, to be controlled and managed upon somewhat different principles and under different rules and regulations; and I trust that, whether the present buildings be remodeled or a new Penitentiary constructed, this idea will be carried into practical effect by the erection of another and separate prison, or by a division of the Penitentiary in such a manner that youths under eighteen years of age may be assigned to a section completely isolated from the balance of the prison and prisoners."

JUDICIARY.

Among the many reforms looking to the decrease of the expenses and the increase of the revenues of the State which I have had the honor to recommend to the General Assembly, and which I regret have not been fully carried into effect by proper legislation, was that of our Judicial System. Two plans were suggested in my last annual message for the accomplishment of this object—either the enlargement of the number of circuit courts and the reduction of the jurisdiction of the county courts, or the enlargement of the jurisdiction of the county courts and the reduction of the number and jurisdiction of the circuit courts. Farther reflection has convinced me that the former is the more feasible plan. We need but one court of record of original jurisdiction, and undoubtedly twenty or at most twenty-four circuit courts could readily and promptly attend to all legal business, except probate, necessary to be transacted in courts of record. County courts cannot be abolished without an amendment of the constitution, nor should I deem it advisable under any circumstances. The jurisdiction of these courts, however, is within the control of the Legislature. Let their jurisdiction be limited to matters of probate and such civil and criminal jurisdiction and general supervision of county matters as may be deemed advisable, but dispensing with juries, except at the option and expense of litigants, and providing for a system of fees which shall defray the whole expenses of the court except a small salary to be paid from the State treasury in conformity to the constitution, and a saving of at least \$100,000 can be annually made

to the Commonwealth. I have no fault to find with the manner in which our county judges have discharged their functions. It is not the judges, but the system, which I censure. We have too many courts and an unnecessarily expensive judicial system. Fewer courts and better paid judges will elevate the judicial standard, secure the prompt and satisfactory transaction of business and materially lessen the burthens of the system.

The judges of Botetourt and Appomattox counties resigned some time since, and the vacancies thus occasioned were temporarily provided for by the appointment of J. J. Allen, Esq., to the former and by assigning the judge of Prince Edward county to hold the courts in the latter.

On the 29th ultimo the able and upright judge of Dinwiddie county, Hon. James Boisseau, departed this life, after a brief illness, and the vacancy thus occasioned the Legislature should promptly fill.

IMMIGRATION.

In my last annual message I discussed, at some length, the subject of immigration, and I desire respectfully to call your attention to the views therein expressed, and the suggestions made. Private enterprise has been commendably active during the past year in inducing immigration to our State, but the sum total of results accomplished has been slight indeed when compared with our wants and necessities. Private enterprise alone, and unaided by State action, can never accomplish large results. The two should go hand in hand, mutually aiding each other. Three things are absolutely essential to success in this behalf, viz: accurate information, ready and cheap transportation and facilities for the prompt acquisition of homes by the immigrants on arrival here, at fair and reasonable prices. We already have a line of steamers plying between Liverpool and Norfolk, which during the past year has landed at Norfolk over one thousand immigrants of the character needed to purchase and develope our idle and uncultivated lands. This enterprise deserves encouragement, and I know of no mode which will better accomplish that end, or confer more lasting benefits upon the State, than the organization and successful operation of a thorough and practical system of immigration. Such a system ought not to be either burdensome or cumbrous, and should be such as to exclude from our borders pauper immigrants and condemned criminals. The preparation and publication by State authority of proper statistics and information of our condition, and the almost innumerable advantages we possess for the immigrant, would be of vast benefit, and would contribute largely to the success of local and private immigration enterprises. The Allan line of ocean steamers, together with our railroads, will afford the means of transportation to the immigrant, upon as advantageous terms as any of the great lines centering at New York. The other essential mentioned, viz: such provision as will enable the immi-

grant, on arrival here, to promptly purchase, at a fair and reasonable price, a suitable home without delay or difficulty, will be found more difficult of accomplishment. And yet no immigration scheme can be successful to any considerable degree without it. Herein, and in this particular only, the West, with its government lands, and the ease with which lands are transferred from one to another, possesses a decided advantage over us. I am satisfied, however, that a plan can be adopted which, even in this respect, will shift this advantage in our favor. I have said nothing as to the necessities of immigration. They are so plain and palpable, that it would seem almost an insult to the intelligence of our people to discuss them. I take it for granted that we all appreciate its importance, and that the only branch of the subject open for discussion is as to the best means to be adopted to secure it. I earnestly commend the subject to your consideration.

PUBLIC IMPROVEMENTS.

Most of our railways have increased during the past year in excellence of management and material, and in business. The Alexandria and Fredericksburg road has been completed, thus connecting Richmond with Washington by an "all rail" line. The Orange, Alexandria and Manassas road has purchased the stock held by the State therein, and paid for it at par in State bonds. I am informed that this company has consolidated with the Lynchburg and Danville Company, and is pushing forward the work upon the latter with great energy, and will probably complete this valuable improvement within the next twelve months. Nor are these the only commendable acts of this company. It has wisely inaugurated the plan of purchasing the marketable lands along its line, with the view of dividing them up into small farms and settling thereon industrious and thrifty immigrants, thus adding materially to the wealth and development of the sections of the State through which it passes, and securing the eventual large increase of its local business. This is a wise policy, beneficial alike to the company and the State, and I should be glad to see it adopted by all our railroad companies.

The Richmond and Danville Railroad Company has also purchased and paid for at par in State bonds the stock held by the State in that company. This company is rebuilding the road from Keysville to Clarksville; and I am informed that it has also leased the North Carolina Railroad, and is extending its lines by the building of 250 miles of new road from Charlotte, N. C., to Atlanta, Ga., and it is confidently expected that within the next six months direct railway communication between Richmond and Atlanta will be established by this line. When these new roads are completed, the Richmond and Danville Company will have under its control more miles of railway than any other company in the State, and the importance of this line, with its branches and connexions, to the commerce and development of our State will be-

immense. It will drain into the lap of Virginia the surplus products of a vast section of the richest and most productive portion of the South.

The Chesapeake and Ohio Railroad is fast approaching completion, and in a few days trains of cars will be running between Richmond on the James and Huntington on the Ohio River. To the foresight and the persistent energy of those having charge of this great work since the war, together with the financial and comprehensive ability of those whom they succeeded in associating with them, is the State indebted for the successful completion of this great improvement, the beneficial effects of which cannot be over-estimated. This road, by a system of magnificent engineering, pierces those mountain barriers, the Blue Ridge and Alleghanies, and taps the great producing regions of the West, the vast commerce of which with us will be measured only by our ability and capacity to grasp and control it. The opening of this great highway to commerce will be the beginning of a new era in the development of our State. For the first time in her history coal and iron, those twin sisters of modern material progress, will be united in an easy and profitable relationship. Heretofore the public improvement system of Virginia has looked to the development of her agricultural interests and resources, but hereafter operating upon a broader and more comprehensive and useful basis, while nursing and promoting these interests, it will also seek the development of her real wealth—her mineral resources. Virginia must inevitably become a great manufacturing State. From tidewater to their sources her numerous rivers constitute innumerable and almost inexhaustible water-powers, capable of turning the entire manufacturing machinery of the world, and in her hills and mountains is deposited more mineral wealth than lies within the borders of any other State. The Chesapeake and Ohio railroad will bring the coals of West Virginia to our vast iron deposits along its line, and there will spring up throughout the country it penetrates furnaces and manufactories of iron, which will bring into our borders wealth and population to a degree unprecedented in the past history of our State. The completion of these great railway lines, and others in process of construction, and the rapid recuperation of all our already constructed roads, should inspire us all with renewed hope and confidence in the future of the Commonwealth. I firmly believe that we have entered upon an era of unexampled prosperity, and that cherishing the glorious past for the lessons of wisdom, it teaches we have but to discharge our full duty in the living present, to realize the full measure of the prosperity and development awaiting us.

One other great internal improvement, and upon which the State has expended more money than upon any other, still remains incomplete. No more conspicuous monument of the unwise internal improvement policy of the State exists than the James river

and Kanawha canal. Not that the grand idea of uniting the waters of the James and Ohio rivers by a great internal water line was unwise, but rather that the mode and manner of working out to success that idea, is obnoxious to the severest criticism. The State from time to time invested immense sums in this project, and what has she to show for it to-day except several millions of worthless stock. True, a canal, such as it is, has been constructed to Buchanan, a distance, I believe, of one hundred and ninety-eight miles, and very considerable benefits to commerce have resulted therefrom, but in no wise commensurate with the expectations heretofore entertained. Nor will this work ever prove of any considerable value to the State or to commerce, unless it be enlarged and completed to its proposed western terminus. But to accomplish this properly will require an expenditure of \$40,000,000, and how is that vast sum to be obtained? The State is prohibited from lending it any aid both by her necessities and her fundamental law, and aid from private sources within the State to the amount named would be impossible to obtain. Realizing these undoubted facts, the authorities of the canal company, with the sanction of the General Assembly, have tendered this work to the General Government, on condition that it assume the responsibility of completing it; but I have never entertained the slightest faith in this movement. The assumption of an undertaking or enterprise like this is not in consonance either with the principles or practice of the Federal Government. Beyond an inconsiderable appropriation to defray the expenses of the survey and estimate of the cost of the work, it has done nothing; and although aspiring politicians may make this their peculiar and particular hobby, the only success which will ever attend their efforts will be their own retention of or advancement to position. The government of the United States, in my judgment, will never undertake the completion of the James River and Kanawha canal. It might lend the aid of its credit upon safe and satisfactory conditions; but beyond this I am satisfied that it will not, and really ought not, to go. Let the owners of this property (including the State) transfer the title or all their interests to a company of responsible gentlemen of established reputation for probity and financial ability, upon condition that the work be completed, in a satisfactory manner, within a specified period, and be thereafter used, within certain prescribed limits, as to tolls and general management, and I entertain no reasonable doubt that a company of gentlemen, of the character named, can be formed, and that, when properly organized and in possession and ownership of the property, upon the terms and conditions just stated, that government aid, if needed, could be obtained in the way of a guaranty upon the first mortgage bonds of the company, to a sufficient amount to complete the canal. To this extent, and this only, is there any real hope of government aid in this enterprise. While it is a work of national importance, and in case of war, under certain though not very probable circumstances, might

be of incalculable benefit to the nation, yet it does not fall within that category of improvements which the National Government feels itself authorized to make on its own account. It has within a few years past been granting subsidies of public lands to aid in the construction of railroads to the Pacific, but even this form of aid has been discontinued, and I hope forever. The reasons which induced these subsidies do not apply to this canal improvement to any considerable extent. The arguments in favor of this scheme have been worn threadbare in the case of the Niagara ship canal, the Illinois ship canal, and the Fox river improvement, and other like schemes.

I state these facts, not to discourage any proper efforts in behalf of our great and much needed water line, but simply to dispel the illusive and fictitious hopes and expectations which interested parties have been sedulously endeavoring to inspire. The plan above indicated in my judgment is the only one possessing even the germ of success, and the sooner we all concentrate our efforts upon it, the sooner will our expectations be realized. That the investments already made in this improvement in its present condition are valueless and that its completion is of vital and transcendent importance to the people of our State as well as the great valleys of the Mississippi and Missouri and Ohio no one can question. The only subject of discussion is how it is to be accomplished. If the Legislature will modify its action of last Winter so as to clothe the commissioners with full power to transfer this property absolutely and without the delay which might be occasioned by reference back to the Legislature for approval, I am hopeful of an opportunity within the next twelve months of securing such a combination of private capital and ability as will undertake and ensure the completion of this great improvement which has been the dream of our ancestors, and contributes largely to the hopes entertained by ourselves.

REPORTS.

The reports of all the departments of the government of our public and charitable institutions and the State literary institutions are herewith submitted to you, and I bespeak for each one of them your careful perusal. It will be gratifying to you to note the thoroughness and completeness of administration which characterizes every department and all our institutions. I desire to bear my testimony to the faithfulness, efficiency and uniform courtesy of all our State officials. They have largely contributed to whatever of success has attended the discharge of my Executive duties, and they are in no wise responsible for any errors that may have been committed. I trust that the General Assembly will adopt the suggestion of the Attorney General, and I cordially approve of the recommendations made by the Adjutant General. The Superintendent of Public Printing exhibits in his report a gratifying reduction in the expenses of his department. I must

again suggest the propriety of relieving the Executive from the duty of examining and approving the bills of this department. From the nature of the case such examinations must be superficial, and, so far as the present Executive is concerned, almost utterly valueless, due to the fact that he is ignorant of the value of material used and the work done by this department. Let this duty be imposed upon some other officer more familiar with the subject.

A State Board of Health was duly organized under the act approved February 13, 1872, composed of eminent and learned physicians. I commend to your careful consideration the able report of this Board. Its usefulness has been trammelled for the want of funds, and I trust that you will find it consistent to make a reasonable appropriation for the use of this Board. The duties devolved upon it are of the highest importance, and the small sum required to enable it to discharge those duties with efficiency and satisfaction ought to be promptly appropriated.

I submit herewith the report of Dr. W. P. Palmer, appointed by the act approved April 7, 1872, "to secure the preservation of historical papers in the capitol building." The suggestions therein made are important, and meet with my cordial approval.

The statue of General Washington, formerly standing in the rotunda of the Capitol, it was found necessary to remove during the past summer, as it was ascertained that the brick arches on which it rested were giving away and were liable to fall. The preservation from mutilation or possible destruction of this exceedingly valuable work of art was deemed of the highest moment, and it was consequently promptly removed from its dangerous position and carefully boxed to await the action of the General Assembly. If you shall decide to reinstate it in its former position, it will be necessary to take down and rebuild the arches underneath the rotunda, which will be attended with considerable expense. It has been suggested that in case of fire it would be impossible to remove this statue from the Capitol in time to save it from injury, owing to its great weight, and that it would be advisable to place it in the Capitol grounds, sufficiently remote from the Capitol to insure its safety. I have no recommendation to make upon the subject, as I have not fully formed my own opinion as to which is the better plan. I trust, however, that the General Assembly will take action upon it at an early day.

GILBERT C. WALKER.

On motion of Mr. Meem, the message and accompanying documents were laid on the table and ordered to be printed, and five hundred extra copies ordered to be printed for the use of the senate.

On motion of Mr. Taylor of Loudoun,

Resolved, That the resident clergy of the city of Richmond and the town of Manchester be invited to open the sessions of this body with prayer.

The President announced that the standing committees of the senate would continue as constituted at the last session.

They are as follows:

Committee of Privileges and Elections—Messrs. Penn, Johnson, Taylor of Loudoun, Pridemore, Rue, Lackland, French, Quesenberry, and Connally.

Committee for Courts of Justice—Messrs. Herndon, Roller, Thomas, Connally, Penn, French, Fitzpatrick, Kirkpatrick, Massey, Nowlin, and Hundley.

Committee on General Laws—Messrs. Fitzpatrick, Johnson, Lackland, Anderson of Rockbridge, Nowlin, Patterson, Taylor of Loudoun, Hundley, and Norton.

Committee on Roads and Internal Navigation—Messrs. Taylor of Norfolk city, Holladay, Cochran, Thomas, Terry, Quesenberry, Ward, Smith, and Nutting.

Committee on Finance—Messrs. Thomas, Cochran, Wynne, Greever, Anderson of Pittsylvania, Meem, Johnson, Boykin, and Lathrop.

Committee on Banks—Messrs. Roller, Wynne, Penn, Grimsley, Smith, Latham, Lewis, Nowlin, and Martin.

Committee on Federal Relations—Messrs. Roller, Herndon, Cochran, Smith, Connally, Terry, Boykin, Kirkpatrick, and Graham.

Committee on Public Institutions—Messrs. Anderson of Rockbridge, Kirkpatrick, Cochran, Holladay, Roller, Perrin, Greene, Beazley, Greever, Lewis, and Stevens.

Committee on Immigration—Messrs. Kirkpatrick, Grimsley, Taylor of Norfolk city, Meem, Latham, Herndon, Lackland, Holladay, and Graham.

Committee on County, City, and Town Organizations—Messrs. Grimsley, Connally, French, Lewis, Quesenberry, Hundley, Beazley, Pridemore, and Robinson.

Committee on Enrolled Bills—Messrs. French, Hundley, Taylor of Loudoun, Nowlin, Latham, Ward, and Greene.

Committee to Examine Clerk's Office—Messrs. Perrin, Fitzpatrick, and Smith.

Joint Committee on Executive Expenditures—Messrs. Patterson, Meem, and Lewis.

Committee on the Library—Messrs. Johnson, Wynne, and Anderson of Pittsylvania.

Committee to Examine Office of Public Accounts—Messrs. Taylor of Loudoun, Lackland, and Greene.

Committee to Examine Office of Second Auditor—Messrs. Terry, Hundley, and Nutting.

Committee to Examine Register's Office—Messrs. Latham, Pridemore, and Graham.

Committee to Examine Treasurer's Office—Messrs. Penn, Boykin, and Massey.

Joint Committee to Examine Bonds of Public Officers.—Messrs. Nowlin, Holladay, and Lathrop.

Joint Committee on Printing—Messrs. Anderson of Pittsylvania, and Wynne.

Mr. Stevens offered the following:

Resolved, That in view of the fact that this day has been set apart for the solemnization of the funeral obsequies of the Hon. Horace Greeley, whose recent death in the city of New York has fallen like a pall upon the entire American republic, sending a pang of genuine sorrow to the hearts of his fellow-citizens of all shades of political opinion, the senate do adjourn till twelve o'clock to-morrow.

The resolution was agreed to, and the President announced the senate adjourned until to-morrow, twelve o'clock.

THURSDAY, DECEMBER 5, 1872.

Prayer by Rev. T. G. Dashiell.

The clerk proceeded to read the journal of yesterday—when,

On motion of Mr. Nowlin, the further reading of the journal was dispensed with until otherwise ordered.

On motion of Mr. Thomas,

Resolved, That the committee for courts of justice be instructed to enquire into the expediency of amending the 16th section of chapter 191 in reference to the abduction of white females, and of providing an adequate punishment for the offence of seduction.

On motion of Mr. Thomas,

Resolved, That so much of the governor's message as refers to the subject of the equalization of taxes be referred to the committee on finance.

Mr. Ward, by leave, presented

No. 1, A bill to amend and re-enact an act entitled "An act in relation to the interest on money, approved March 15th, 1870, so as to provide that six per cent. shall be the legal rate of interest;" which, on his motion, was read the first, and ordered to be read a second time, and on motion of Mr. Fitzpatrick, was referred to the committee for courts of justice.

Mr. Ward, by leave, presented

No. 2, A bill to amend and re-enact an act entitled "An act providing for the re-assessment of lands in the commonwealth, passed February 1st, 1872, so as to enable those counties in the state which failed to avail themselves of the provisions of said act to do so;" which, on his motion, was read the first, and ordered to be read a second time, and referred to the committee on finance.

Mr. Cochran, by leave, presented

No. 3, A bill to repeal the act, approved March 13, 1872, entitled an act to authorize the supervisors of certain counties to impose a tax on dogs; which, on his motion, was read the first, and ordered to be read a second time, and referred to the committee on finance.

Mr. Cochran, by leave, presented

No. 4, A bill to amend and re-enact the 5th section of chapter 1st of

an act entitled "An act providing a charter for the city of Staunton, in force March 22nd, 1872;" which, on his motion, was read the first, and ordered to be read a second time, and referred to the committee on general laws.

Mr. Greene, by leave, presented

No. 5, A bill to repeal sections 60 and 61 of an act entitled an act imposing taxes for the support of the government and free schools, and to pay the interest on the public debt, approved April 5th, 1872; which, on his motion, was read the first, and ordered to be read a second time, and referred to the committee on finance.

Mr. Nowlin, by leave, presented

No. 6, A bill for the relief of the late sheriffs of this commonwealth; which, on his motion, was read the first, and ordered to be read a second time, and referred to the committee on finance.

Mr. Greene presented the petition of Reuben Ragland, asking the passage of an act incorporating the Weldon and Washington railroad company; which, on his motion, was referred to the committee on roads and internal navigation.

Mr. Greene asked for leave to present the following bill, which was granted:

No. 7, A bill to incorporate the Weldon and Washington railroad company.

Mr. Greene moved that the said bill be read the first time, and referred to the committee on roads—when the President called attention to the 61st section of the act, approved April 5th, 1872, entitled "An act imposing taxes for the support of government and free schools, and to pay the interest on the public debt;" which requires a deposit to be made in the treasury before a bill of this nature can be considered by the general assembly. Thereupon,

On motion of Mr. Greene the following resolution was adopted:

Resolved, That the committee for courts of justice enquire, and report to the senate, what is the true effect of the 61st section of the act, approved April 5th, 1872, imposing taxes for the support of government, as to the time when the tax imposed thereby upon the bills therein named shall be paid into the treasury. Subsequently,

On motion of Mr. Greene, senate bill No. 7, "to incorporate the Weldon and Washington railroad company," was taken up, read the first, and ordered to be read a second time, and referred to the committee on roads and internal navigation.

Mr. Lackland, by leave, presented

No. 8, A bill to amend and re-enact section 4 of chapter 186 of the Code of 1860, in relation to docketing judgments and other liens of a like nature; which, on his motion, was read the first, and ordered to be read a second time, and referred to the committee for courts of justice.

Mr. Grimsley, by leave, presented

No. 9, A bill declaring valid decrees made in vacation by consent of parties; which, on his motion, was read the first, and ordered to be read a second time, and referred to the committee for courts of justice.

On motion of Mr. Nowlin,

Resolved, That Cocke, and Collier, and Young, and Dickinson be allowed to withdraw their papers, filed during session 1871-'72, relating to the Wytheville and Danville, and Wytheville and Grayson turnpikes.

On motion of Mr. Nowlin,

Resolved, That the committee on finance enquire into the expediency of making provision for the payment of the claim of Cocke and Collier, of Carroll county, for work done on the Danville and Wytheville turnpike.

On motion of Mr. Lackland,

Resolved, That the secretary of the commonwealth be requested to furnish each member of the senate with a copy of the Code of Virginia of 1860, and of the acts from 1765 to 1871 inclusive, to be returned by them at the end of the session.

On motion of Mr. Lackland,

Resolved, That the report of Dr. W. W. Palmer, submitted with the governor's message, be referred to the committee on library. (Doc. No 1.)

On motion of Mr. Nowlin,

Resolved, That the committee on public institutions be, and they are hereby instructed to enquire into the expediency of so amending the public school laws of this commonwealth as to abolish the district and county school taxes, and to provide for the raising of a sufficient state tax to defray all the expenses of the public schools.

On motion of Mr. Fitzpatrick, the senate adjourned until to-morrow, twelve o'clock.

FRIDAY, DECEMBER 6, 1872.

Prayer by Rev. T. G. Dashiell.

The President laid before the senate a communication from the governor, which was read as follows:

COMMONWEALTH OF VIRGINIA,
Executive Chambers, Richmond, Dec. 6, 1872.

To the General Assembly:

I have the honor to enclose herewith a copy of a letter received from Judge Lay since the opening of your present session.

Respectfully,

G. C. WALKER.

POWHATAN C. H., VA., Dec. 4, 1872.

To the Hon. GILBERT C. WALKER,

Governor of Virginia:

SIR:

I respectfully tender, through you, my resignation of the judgeship of Powhatan county court, to take effect January 1, 1873.

This delay will afford ample time to the legislature to supply my un-

expired term, without leaving the county unrepresented either in term or vacation.

Respectfully, your ob't serv't,

JNO. F. LAY.

On motion of Mr. Nowlin, the communication was laid on the table.

On motion of Mr. Greever,

Resolved, That the committee on public institutions be instructed to ascertain from the president of the Virginia agricultural and mechanical college the number of students in attendance, the date of matriculation, and from what counties appointed; also, the number of students, if any, whose college expenses are not defrayed by the state, and report to the senate as soon as the information is obtained.

Mr. Fitzpatrick offered the following joint resolution, which was modified at the suggestion of Mr. Penn:

Whereas the validity of the act passed at the last session of the general assembly, "declaring what shall be received in payment of taxes and other demands of the state," is now being considered by the court of appeals, and the questions involved being of such magnitude to the people of the state, therefore

Resolved (the house of delegates concurring), That whilst the general assembly has great confidence in the zeal and ability of the attorney general, that a joint committee be appointed, consisting of two on the part of the senate and three on the part of the house, who, in conjunction with the attorney general, shall employ counsel to aid him in representing the state in the argument of the validity of said act.

The rule requiring the resolution to lie over being suspended, on motion of Mr. Fitzpatrick, the resolution was taken up, and the question being on agreeing thereto, Mr. Greever moved to lay the same on the table, and the question being put thereon, was determined in the affirmative—ayes 31, noes 2.

On motion of Mr. Meem, the vote was recorded as follows:

Ayes—Messrs. Anderson of Pittsylvania, Anderson of Rockbridge, Beazley, Boykin, Cochran, Connally, Fitzpatrick, Graham, Greene, Greever, Grimsley, Holladay, Hundley, Johnson, Kirkpatrick, Lackland, Massey, Meem, Norton, Nowlin, Nutting, Patterson, Pridemore, Rue, Smith, Stevens, Taylor of Loudoun, Terry, Thomas, Ward, and Wynne—31.

Noes—Messrs. Martin and Penn.

Mr. Pridemore, by leave, presented

No. 10, A bill to amend and re-enact chapter 67 acts, 1869–70, in relation to pay and mileage of members of the general assembly; which, on his motion, was read the first, and ordered to be read the second time, and referred to the committee on finance.

Mr. Penn, by leave, presented

No. 11, A bill to amend and re-enact an act continuing the payment of interest and dividends to the incorporated colleges or other seminaries of learning in the state, approved March 20, 1872; which, on his motion, was read the first, and ordered to be read a second time, and referred to the committee on finance.

Mr. Graham, by leave, presented

No. 12, A bill to amend and re-enact section 1 of an act entitled an act to authorize the supervisors of certain counties to impose a tax on dogs, approved March 13, 1872; which, on his motion, was read the first, and ordered to be read a second time, and referred to the committee on finance.

Mr. Connally, by leave, presented

No. 13, A bill declaring dogs property in the meaning of the criminal law; which, on his motion, was read the first, and ordered to be read a second time, and referred to the committee for courts of justice.

Mr. Taylor of Loudoun offered the following joint resolution, which lies over under the rules:

Resolved (the house of delegates concurring), That so much of the governor's message as recommends amendments to the constitution of Virginia be referred to a joint committee of seven on the part of the house of delegates and five on the part of the senate.

On motion of Mr. Taylor of Loudoun, the rules being suspended therefor, the resolution was taken up, and the question being on agreeing thereto, Mr. Nowlin offered the following as a substitute therefor:

"Resolved (the house of delegates concurring), That a joint committee be appointed by the presiding officers of the two houses of the general assembly, consisting of five on the part of the senate and eight on the part of the house of delegates, to take into consideration all amendments proposed to the constitution of this state, said committee to be known as the joint committee on amendments to the constitution."

The question on the adoption of the substitute being put, was determined in the affirmative, and the resolution as amended was then agreed to. Subsequently,

On motion of Mr. Nowlin, the vote by which the resolution was agreed to was reconsidered, and on his further motion, the resolution was laid on the table.

A message was received from the house of delegates by Mr. Lawson, who informed the senate that that house had agreed to a joint resolution for the appointment of a joint committee to consider proposed amendments to the constitution of Virginia.

The resolution was taken up and agreed to.

On motion of Mr. Nowlin, it was

Ordered that he inform the house of delegates thereof.

Mr. Anderson of Rockbridge, by leave, presented

No. 14, A bill to amend and re-enact chapter 378 of the acts of 1869-70, in relation to the times of the meeting of the general assembly, and providing for the time the same shall sit; which, on his motion, was read the first, and ordered to be read a second time, and referred to the committee for courts of justice.

Mr. Holladay, by leave, presented

No. 15, A bill authorizing the Old Dominion coal company to construct a railroad from their coal mines in Powhatan county to James river; which, on his motion, was read the first, and ordered to be read a second time, and referred to the committee on roads and internal navigation.

Mr. Anderson of Rockbridge, by leave, presented

No. 16, A bill in relation to the lease of the penitentiary; which, on his motion, was read the first, and ordered to be read a second time, and referred to the committee on public institutions.

On motion of Mr. Nowlin,

Resolved, That so much of the governor's message as relates to the judiciary be referred to the committee for courts of justice.

Mr. Anderson of Rockbridge, by leave, presented

No. 17, A bill to encourage donations to the University of Virginia and to constitute the state of Virginia trustee thereof; which, on his motion, was read the first, and ordered to be read a second time, and referred to the committee on public institutions.

Mr. Greene offered the following joint resolution, which lies over under the rules:

Resolved, in the opinion of the general assembly, That all deposits made under the provisions of the 61st section of an act entitled an act imposing taxes for the support of the government, and free schools, and to pay the interest on the public debt, approved April 5, 1872, should be refunded to the person making the deposit in all cases in which the act upon which the deposit is made shall not be passed by the general assembly.

On motion of Mr. Greene, the rules being suspended therefor, the resolution was taken up—when,

On motion of Mr. Taylor of Loudoun, the resolution was referred to the committee for courts of justice.

On motion of Mr. Taylor of Loudoun, the senate adjourned until tomorrow, twelve o'clock.

SATURDAY, DECEMBER 7, 172.

Prayer by Rev. T. G. Dashiell.

The President laid before the senate a communication from the clerk of the house of delegates, transmitting a condensed abstract of the returns of clerks of courts; which, on motion of Mr. Nowlin, was laid on the table and ordered to be printed. (Doc. No. 2.)

Mr. Nowlin, from the committee for courts of justice, presented the following report:

"The committee for courts of justice have, according to order, had under consideration two resolutions, to them referred, in regard to the construction of the 61st section of the act, approved April 5th, 1872, imposing taxes for the support of government, and beg leave to report: That they are of opinion that the taxes imposed by said section on charters incorporating joint stock companies are paid absolutely, and cannot be refunded if the said charters fail to become laws; but that the taxes imposed on acts of a private character are conditional, and must be refunded if the act applied for is not passed. They are further of the

opinion, that the said taxes must be paid before the bills upon which they are imposed can have their second reading."

The report was subsequently taken up, and, on motion of Mr. Graham, laid on the table.

Mr. Lackland offered the following preamble and resolution; which were agreed to:

Whereas, it is represented that some of the legal profession construe the act, approved March 4th, 1871, to regulate judicial sales, and prevent the sacrifice of property, as authorizing a sale at any sacrifice, at the third or any subsequent offering:

Resolved, That the committee for courts of justice enquire into the expediency of so amending the said act as to provide, in express terms, that no sale made at any offering at a ruinous sacrifice shall be deemed valid.

On motion of Mr. Stevens,

Resolved, That the committee on privileges and elections are hereby requested to examine into the propriety of providing, by law, for the more speedy return of elections, held under the general election laws of this state.

On motion of Mr. Quesenberry,

Resolved, That the committee for courts of justice enquire into the expediency of authorizing the board of supervisors of Caroline county to grant the right to a certain lot of land in Port Royal, in said county, to the Baptist church for the purpose of building a house of worship thereon.

On motion of Mr. Quesenberry,

Resolved, That the committee on general laws enquire into the expediency of making some provision to protect the citizens of the commonwealth against the venders of fertilizers, so called.

On motion of Mr. Quesenberry,

Resolved, That the committee on county, city, and town organizations enquire into the expediency of amending the act, approved March 12th, 1872, so as to define explicitly the time within which county officers may qualify, and to vacate the office if they fail to qualify within that time.

On motion of Mr. Ward,

Resolved, That the board of public works of Virginia be requested to furnish the senate, as early as practicable, the following information: Whether the Alexandria, Loudoun and Hampshire railroad company accepted the provisions of the act of the general assembly, disposing of the state's interest in said road, passed April 17th, 1867, in the time prescribed by said act, and whether the said board has sold and transferred all the stock held and owned by the state in said road, as authorized in accordance with the provisions of said act; and if sold, what were the terms of sale, what price said company paid, or is to pay for said stock, and whether the said company has failed to comply, in whole or in part, with their contract as required by the 1st and 2nd sections of said act; and if the said company has not complied, what steps, if any, the said board has taken to compel the said company to do so; and further, to

give any other information in connection with the subject matter, which the board may deem necessary and proper.

Mr. Ward, by leave, presented

No. 18, A bill to amend and re-enact sections 3, 4 and 6 of chapter 144 of the Code of Virginia, (1860,) in reference to the protest of notes; which, on his motion, was read the first, and ordered to be read a second time, and referred to the committee on banks.

Mr. Thomas, by leave, presented

No. 19, A bill to repeal the fence law in certain townships in Fairfax county; which, on his motion, was read the first, and ordered to be read a second time, and referred to the committee on general laws.

Mr. Thomas, by leave, presented

No. 20, A bill to provide for a re-division of the county of Fairfax into townships; which, on his motion, was read the first, and ordered to be read the second time, and referred to the committee on county, city, and town organizations.

Mr. Penn, by leave, presented

No. 21, A bill to secure and provide for paying the railroad debts of counties, townships, cities, and towns in Virginia; which, on his motion, was read the first, and ordered to be read a second time, and referred to the committee on finance.

On motion of Mr. Kirkpatrick, the senate adjourned until Monday, twelve o'clock.

MONDAY, DECEMBER 9, 1872.

Mr. Thomas, President pro tem., in the chair.

Prayer by Rev. Dr. Edwards.

Mr. Cochran presented the following preamble and resolution; which were agreed to:

Whereas, There is just and great complaint on the part of the honest mechanics of the state of Virginia against convict labor being brought in competition with their own; and whereas solitary confinement, qualified or unqualified, as a punishment for crime, wherever adopted in the old or new world, has been productive of the most salutary, restraining, and reformatory results; and whereas the present penitentiary has become an eye-sore to the people of Richmond, impairing the value of property, and seriously retarding the growth of the city: Therefore,

Resolved, That the committee on public institutions enquire into the expediency of amending the criminal laws of the state, so as to perfect and fully carry out a system of solitary confinement; and also into the expediency of gradually erecting a new penitentiary at some suitable place, adapted in every respect to the execution of the proposed change in the punishment of convicts; or to enquire into the expediency of abolishing the penitentiary at once, or at some period in the future, and

imposing upon the counties of the state the duty of inaugurating and enforcing a system of solitary confinement.

On motion of Mr. Pridemore,

Resolved, That the committee for courts of justice be instructed to enquire into the expediency of authorizing the auditor of public accounts to proceed at once to the collection of the tax, due by law, from the Chesapeake and Ohio railroad; and that, if it be necessary, he institute legal proceedings therefor.

On motion of Mr. Pridemore,

Resolved, That the committee on finance be instructed to report, at the earliest practicable day, an assessment and tax bill.

On motion of Mr. Hundley,

Resolved, That the committee on finance be instructed to enquire into the expediency of exempting from taxation in future, all bonds or other securities taken for the loan of money upon real estate.

On motion of Mr. Nowlin,

Resolved, That the committee for courts of justice enquire into the expediency of so amending the laws of the state, as to restore the right of appeal from decisions rendered by justices of the peace.

Mr. Hundley offered the following preamble and resolution, which were agreed to:

Whereas the tendency of the present interest laws of this state is to attract capital from the rural districts into the cities, to the great detriment of the agricultural interests of the commonwealth:

Resolved, That the committee for courts of justice be instructed to enquire into the expediency of repealing the present law in relation to interest, and of fixing the rate of interest at six per centum per annum; but allowing, by special contract, eight per cent. to be charged upon loans at twelve months' time and over.

On motion of Mr. Johnson,

Resolved, That the committee on general laws be instructed to enquire into the expediency of reporting a bill, providing for the exemption from jury service of the citizens of Chincoteague island in the Atlantic ocean, Tangier island and Syxes island in the Chesapeake bay.

On motion of Mr. Anderson, of Pittsylvania,

Resolved, That the committee on public institutions enquire whether it is expedient to re-place the Houdon statue of Washington in its former position in the capitol, or to provide some other suitable place for the same.

On motion of Mr. Lackland,

Resolved, That the committee for courts of justice enquire into the expediency of so amending section 22 of chapter 85 of the Code of 1860, as to authorize two justices of the peace, instead of three, to enquire and decide whether a person be a lunatic, and ought to be confined in an asylum.

On motion of Mr. Thomas,

Resolved, That the committee for courts of justice be instructed to enquire into the expediency of providing, by law, that there shall be a discrimination in the rate of legal interest between commercial paper and

ordinary contracts; and that a tax be imposed upon the commercial paper, with a view to revenue, for the privilege of such discrimination.

On motion of Mr. Quesenberry,

Resolved, That the committee on general laws enquire into the expediency of amending the act of March 20th, 1872, relating to fences, and the protection of crops, so as to modify the 5th section as to the portion of a county lying within the criminal jurisdiction of a city or town.

Mr. Taylor of Loudoun, by leave, presented

No. 22, A bill authorizing the formation of a sub-school district in Mount Gilead and Jefferson townships, in the county of Loudoun, and provide for erecting school buildings in the same; which, on his motion, was read the first, and ordered to be read a second time, and referred to the committee on public institutions.

Mr. Grimsley, by leave, presented

No. 23, A bill directing the sale of real estate, purchased by the commonwealth for taxes, previous to the 17th day of April, 1861; which, on his motion, was read the first, and ordered to be read a second time, and referred to the committee on finance.

Mr. Greene, by leave, presented

No. 24, A bill to establish a state reform school; which, on his motion, was read the first, and ordered to be read a second time, and referred to the committee on public institutions; and in connection therewith,

He offered "joint resolutions, providing for the selection of a site for a state reform school, and the erection of suitable buildings thereon;" and the rule requiring the same to lie over one day being suspended, the resolutions were, on his motion, ordered to be printed, and referred to the committee on public institutions.

Mr. Johnson, by leave, presented

No. 25, A bill to authorize the collector of Pungoteague township to collect the district school taxes for the year 1871; which, on his motion, was read the first, and ordered to be read a second time, and referred to the committee for courts of justice.

Mr. Connally, by leave, presented

No. 26, A bill to amend and re-enact the second section of an act entitled "An act, authorizing an increase of the capital stock of the Kanawha coal company, and for other purposes," passed March 1st, 1858; which, on his motion, was read the first, and ordered to be read a second time, and referred to the committee on general laws.

Mr. Roller, by leave, presented

No. 27, A bill authorizing the trustees of the Protestant Episcopal church and congregation, at Harrisonburg, to execute deeds of trust; which, on his motion, was read the first, and ordered to be read a second time.

Mr. Roller, by leave, presented

No. 28, A bill to authorize and require the board of public works to transfer to the Valley turnpike company, all the state's interest in said company; which, on his motion, was read the first, and ordered to be read a second time, and referred to the committee on roads and internal navigation.

Mr. Herndon, by leave, presented

No. 29, A bill to amend and re-enact an act entitled An act to district the state for county judges; which, on his motion, was read the first, and ordered to be read a second time, and referred to the committee for courts of justice.

Mr. Fitzpatrick, by leave, presented

No. 30, A bill declaring valid the assessment of real estate, and the collection of taxes on the same, under the act in force January 24th, 1872; which, on his motion, was read the first, and ordered to be read a second time, and referred to the committee for courts of justice.

Mr. Fitzpatrick, by leave, presented

No. 31, A bill for the relief of Houston Rucker, providing that a portion of his license tax be refunded to him; which, on his motion, was read the first, and ordered to be read a second time, and referred to the committee on finance.

Mr. Penn, by leave, presented

No. 32, A bill to amend and re-enact section 61 of an act, approved April 5th, 1872, imposing taxes for support of the government and free schools, and to pay the interest on the public debt; which, on his motion, was read the first, and ordered to be read a second time, and referred to the committee on finance.

Mr. Anderson, of Rockbridge, by leave, presented

No. 33, A bill to authorize the revocation of subscriptions to the Valley railroad company, and the transfer of the same on certain conditions; which, on his motion, was read the first, and ordered to be read a second time, and referred to the committee on roads, &c.

Mr. Wynne presented the memorial of L. Buckholtz, proposing to correct errors on the state map with a view to preparing the same for publication; which, on his motion, was referred to the committee on the library.

Mr. Grimsley offered the following joint resolutions; and the rule requiring the same to lie over one day being suspended, the resolutions were, on his motion, referred to the joint committee on amendments to the constitution:

Resolved, by the senate and house of delegates, (a majority of the members elected to each house agreeing thereto), That the following amendment be, and is hereby proposed to the constitution of Virginia, and is hereby referred to the general assembly to be chosen at the next general election of senators and members of the house of delegates, for its concurrence, in conformity with article XII of said constitution, viz: Strike from the constitution the 1st, 2nd, and 4th sections of article VII in reference to county organization, which is in these words:

“Sec. 1. There shall be elected by the qualified voters of the county, one sheriff; one attorney for the commonwealth, who shall also be the commonwealth's attorney for the circuit court; one county clerk, who shall also be clerk of the circuit court, except, that in counties containing fifteen thousand inhabitants, there may be a separate clerk for the circuit court; one county treasurer; and one superintendent of the poor. And there shall be appointed in the manner provided for in article VIII,

one superintendent of schools; provided, that counties containing less than eight thousand inhabitants, may be attached to adjoining counties for the formation of districts for superintendents of schools: provided also, that in counties containing thirty thousand inhabitants, there may be appointed an additional superintendent of schools therein. All regular elections for county officers shall be held on the first Tuesday after the first Monday in November; and all officers elected or appointed under this provision, shall enter upon the duties of their offices on the first day of January next succeeding their election, and shall hold their respective offices for the term of three years; except that the county and circuit court clerks shall hold their offices "for four years."

"TOWNSHIPS.

"Sec. 2. Each county of the state shall be divided into so many compactly located townships as may be deemed necessary, not less than three: provided, that after three have been formed, no additional township shall be made, containing less than thirty square miles. Each township shall be known as the township of —, in the county of —, and may sue and be sued by such title. In each township, there shall be elected, annually, one supervisor; one township clerk; one assessor; one collector; one commissioner of roads; one overseer of the poor; one justice of the peace, who shall hold his office for three years; one constable, who shall hold his office three years; provided, that at the first election held under this provision, there shall be three justices of the peace, and three constables elected, whose terms shall be one, two, and three years respectively. All regular elections for township officers shall take place on the fourth Thursday in May, and all officers so elected, shall enter upon the duties of their respective offices on the first day of July next succeeding their election. The supervisors of each township shall constitute the board of supervisors for that county, and shall assemble at the courthouse thereof on the first Monday in December in each year, and proceed to audit the accounts of said county, examine the books of the assessors, regulate and equalize the valuation of property, fix the county levies for the ensuing year, apportion the same among the various townships, and perform such other duties as shall be prescribed by law."

* * * * *

"ROAD DISTRICTS.

"Sec. 4. Each township shall be divided into one or more road districts. In each road district there shall be elected, annually, one overseer of roads, under whose direction the roads shall be kept in repair at the public expense, in a mode prescribed by law."

And insert in lieu thereof, the following:

"Sec. 1. There shall be elected by the qualified voters of the county, one sheriff; one attorney for the commonwealth, who shall also be the commonwealth's attorney for the circuit court; one county clerk, who

shall be clerk of the circuit court, except, that in counties containing fifteen thousand inhabitants, there may be a separate clerk for the circuit court; one county treasurer, and so many commissioners of the revenue as may be provided by law. And there shall be appointed, in the manner prescribed by law, one superintendent of the poor, and one county surveyor; and there shall also be appointed, in the manner provided for in article VIII, one superintendent of schools; provided, that counties containing less than eight thousand inhabitants may be attached to adjoining counties for the formation of districts for superintendents of schools; provided also, that in counties containing thirty thousand inhabitants, there may be appointed an additional superintendent of schools. All regular elections for county officers shall be held on the fourth Thursday in May, and all officers elected or appointed under this provision, shall enter upon the duties of their offices on the first day of July next succeeding their election, and shall hold their respective offices for the term of four years, except that county and circuit court clerks shall hold their offices for six years.

“TOWNSHIPS.

“Sec. 2. Each county of the state shall be divided into so many compactly located townships as may be deemed necessary, not less than three; provided, that after three have been formed, no additional townships shall be made, containing less than thirty square miles. Each township shall be known as the township of —, in the county of —, and may sue and be sued by such title. In each township there shall be elected one supervisor, two justices of the peace, and one constable, who shall hold their respective offices for the term of two years. There shall also be elected or appointed in a manner to be provided by law, one commissioner of roads, and one overseer of the poor, who shall likewise hold their respective offices for the term of two years. All regular elections for township officers shall take place on the fourth Thursday in May, and all officers so elected, shall enter upon the duties of their respective offices on the first day of July next succeeding their election. The supervisors of the townships shall constitute the board of supervisors for that county, whose duty it shall be to audit the accounts of the county, examine the books of the commissioners of the revenue, regulate and equalize the valuation of property, fix the county levies of the ensuing year, and perform any other duties required of them by law.

“Sec. 4. Each township shall be divided into one or more road districts. In each road district there shall be appointed, annually, in a manner provided by law, one overseer of roads, under whose direction the roads shall be kept in repair at the public expense, in a mode prescribed by law.

“2. Resolved, That the clerk of the house of delegates, or the clerk of the senate, be authorized and required, or if a vacancy shall happen in both of said offices, the presiding officer of either house of the general assembly be authorized and requested to cause the proposed amendment, and these resolutions to be published in some newspaper published

in the city of Richmond, for three months previous to the time of choosing the general assembly at the next general election of senators and members of the house of delegates.

"3. Resolved, That the clerk of the senate, and clerk of the house of delegates be required to transmit to the general assembly to be chosen at the next general election of senators, and members of the house of delegates, a certified copy of said amendment, and these resolutions, together with a certificate of publication by the publisher of the newspaper in which the proposed amendment shall have been published."

On motion of Mr. Nowlin, the report from the committee for courts of justice in regard to the construction of the 61st section of the act, approved April 5th, 1872, imposing taxes for the support of government, &c., was taken up, and, on his further motion, was amended by inserting after the word "companies," the words "or on an act for the amendment of a charter." The question being on the adoption of the report,

Mr. Penn offered the following resolution :

Resolved, That the report be re-committed to the committee for courts of justice, with instructions to report any amendment they may deem expedient; and also to report as to the construction of the phrase, a "bill of a private character," as used in the section in question.

On motion of Mr. Anderson of Rockbridge, the resolution was amended by substituting the committee on finance for the committee for courts of justice.

The question on agreeing to the resolution as amended, being put, was determined in the affirmative—ayes 22, noes 6.

On motion of Mr. Greene, the vote was recorded as follows :

Ayes—Messrs. Anderson of Rockbridge, Beazley, Connally, Graham, Greever, Grimsley, Herndon, Holladay, Hundley, Johnson, Lackland, Lathrop, Massey, Norton, Patterson, Penn, Perrin, Quesenberry, Roller, Taylor of Loudoun, Thomas, and Wynne—22.

Noes—Messrs. Fitzpatrick, Greene, Nowlin, Pridemore, Smith, and Terry—6.

On motion of Mr. Patterson, the senate adjourned until to-morrow, twelve o'clock.

TUESDAY, DECEMBER 10, 1872.

Prayer by Rev. Dr. Edwards.

A communication from the house of delegates, by their clerk, was read as follows:

In House of Delegates, December 9, 1872.

The house of delegates have agreed to a joint resolution appointing a joint special committee to report the best permanent disposition to make of the Houdon statue of Washington, in which they respectfully request the concurrence of the senate.

House joint resolution appointing a joint special committee to report the best permanent disposition to make of the Houdon statue of Wash-

ington was taken up; and, on motion of Mr. Anderson of Pittsylvania, the rule requiring the commitment of the same was suspended; and the question on the adoption of the resolution being put, was determined in the affirmative.

The President laid before the senate a communication from Col. George W. Munford, submitting for their acceptance, if the general assembly shall deem it worthy of publication, his codification of the laws of the state; which, on motion of Mr. Penn, was laid on the table and ordered to be printed. (Doc. No. 3.)

Mr. Herndon, from the committee for courts of justice, reported without amendment,

No. 9, Senate bill declaring valid decrees made in vacation, by consent of parties, which was subsequently taken up, read the second, and ordered to be engrossed and read a third time; and being forthwith engrossed, Mr. Grimsley made an unsuccessful motion that it be read the third time to-day.

He, from the same committee, reported with amendments,

No. 8, Senate bill to amend and re-enact section 4 of chapter 186, of the Code of 1860, in relation to docketing judgments and other liens of a like nature; which was subsequently taken up, read the second time, and the amendments proposed by the committee were then agreed to.

The bill was further amended on motions of Messrs. Pridemore, Hundle, and Kirkpatrick; and, after an unsuccessful motion of Mr. Kirkpatrick further to amend the same, the bill, as amended, was ordered to be engrossed and read a third time.

He, from the same committee, reported, declaring it inexpedient to legislate on the subject,

No. 14, Senate bill to amend and re-enact chapter 378 of acts 1869 and '70, in relation to the times of meeting of the general assembly, and providing for the time the same shall sit; which was subsequently taken up, read the second time, and, on motion of Mr. Anderson of Rockbridge, recommitted to the committee for courts of justice.

He, from the same committee, reported without amendment,

No. 13, Senate bill declaring dogs property in the meaning of the criminal law; which was subsequently taken up, read the second, and ordered to be engrossed and read a third time.

He, from the same committee, reported without amendment,

No. 25, Senate bill to authorize the collector of Pungoteague township to collect the district school taxes for the year 1871; which was subsequently taken up, read the second, and ordered to be engrossed and read a third time.

And he, from the same committee, presented a report declaring it inexpedient to legislate on the subject of a resolution instructing the committee to enquire into the expediency of so amending the act "to regulate judicial sales and prevent the sacrifice of property" as to provide that sales made at a ruinous sacrifice shall not be deemed valid.

The report was subsequently taken up and concurred in.

Mr. Johnson, from the joint committee on the library, presented the following report:

The joint committee on the library, to whom was referred the report of Dr. Wm. P. Palmer, made under the act of February 7, 1871, for the preservation of the manuscripts in the library, having inspected the calendared matter prepared by him, and the documents remaining in his possession, and being impressed with their historical value, hereby recommend, in furtherance of the objects contemplated by the act of the last session of the general assembly, the following bill for the consideration of the legislature.

A. T. JOHNSON,
W. T. POAGUE.

No. 34, A bill providing for the preservation of historical papers; which was subsequently taken up, read the first, and ordered to be read a second time.

Mr. Greene, by leave, presented

No. 35, A bill to amend the charter of the Petersburg railroad company; which, on his motion, was read the first, and ordered to be read a second time, and referred to the committee on roads and internal navigation.

Mr. Roller, by leave, presented

No. 36, A bill to amend and re-enact an act entitled an act for the relief of the late sheriffs of the commonwealth; which, on his motion, was read the first, and ordered to be read a second time, and referred to the committee on finance.

Mr. Kirkpatrick, by leave, presented

No. 37, A bill to amend and re-enact section 1, chapter 164, of the Code of Virginia, so as to allow graduates in law of the University of Virginia, and of other incorporated colleges of the state, to practice law in the courts thereof; which, on his motion, was read the first, and ordered to be read a second time, and referred to the committee for courts of justice.

Mr. Kirkpatrick, by leave, presented

No. 38, A bill to amend and re-enact section 40, chapter 49, of the Code of Virginia of 1860, in regard to judgments by motion against officers and their sureties; which, on his motion, was read the first, and ordered to be read a second time, and referred to the committee for courts of justice.

Mr. Kirkpatrick, by leave, presented

No. 39, A bill to amend and re-enact section 2 of an act approved May 18, 1870, entitled an act fixing the salaries of the judges of the several courts of the commonwealth; which, on his motion, was read the first, and ordered to be read a second time, and referred to the committee on finance.

No. 27, Senate bill authorizing the trustees of the Protestant Episcopal church and congregation at Harrisonburg to execute deeds of trust was taken up, read the second, and ordered to be engrossed and read a third time; and, being forthwith engrossed, was, on motion of Mr.

Roller, two-thirds concurring, read the third time and passed with its title.

Ordered, That the clerk inform the house of delegates thereof, and request their concurrence therein.

The President appointed, as the committee on the part of the senate, on the joint committee upon constitutional amendments, Messrs. Anderson of Rockbridge, Thomas, Penn, Grimsley, Connally, Roller, Boykin, Greever, Greene, and Stevens.

A message was received from the house of delegates by Mr. Brown of Charlotte, who informed the senate that that house had agreed to a joint resolution fixing Thursday, the 12th inst., at one o'clock p. m., for the election of a judge for the county court of Dinwiddie, to supply the vacancy occasioned by the death of Judge James Boisseau; which was subsequently taken up, on motion of Mr. Fitzpatrick, and the question being on agreeing to the joint resolution,

Mr. Stevens moved to amend the same by striking out the words "Thursday, the 12th instant," and inserting in lieu thereof the words "Thursday, the 9th of January, 1873;" and the question being put thereon was determined in the negative.

The joint resolution was then agreed to, and it was

Ordered, That the clerk inform the house of delegates thereof.

On motion of Mr. Anderson of Pittsylvania,

Resolved, That the committee on constitutional amendments enquire into the expediency of amending the constitution so as to provide for biennial sessions of the general assembly.

Mr. Nowlin offered the following preamble and resolution which were agreed to:

Whereas it has heretofore been customary to re-enact, at each session of the general assembly, the entire act for the assessment of taxes on licenses, persons, and property, notwithstanding only a few sections of said act are changed from year to year, thus entailing upon the state a heavy expense annually, not only for the printing of the bill for consideration, but by consuming the time of the general assembly in reading and considering many pages of matter which it is not proposed to change, and by necessitating the printing of the whole act each year among the acts of assembly: and whereas there is no good reason why the said act for the assessment of taxes on licenses, persons, and property cannot be amended as other acts are, simply by re-enacting the sections which it is proposed to change: therefore

Resolved, That the committee on finance be, and they are hereby, instructed to take into consideration the expediency of amending the said act in the manner above indicated.

On motion of Mr. Greever,

Resolved, That the committee on roads and internal navigation be instructed to enquire into the expediency of prohibiting, by law, the running of freight trains by railroad companies on the Sabbath.

Mr. Nutting, by leave, presented

No. 40, A bill to authorize the qualified voters of Halifax county to vote on the question of the purchase of the toll-bridge at South Boston,

in that county, in order to make it a free bridge; which, on his motion, was read the first, and ordered to be read a second time, and referred to the committee on roads and internal navigation.

Mr. Taylor of Norfolk city, by leave, presented

No. 41, A bill to provide for the collection of the revenue of the city of Norfolk for the year 1872; which, on his motion, was read the first, and ordered to be read a second time, and referred to the committee on finance.

Mr. Anderson of Rockbridge, by leave, presented

No. 42, A bill in relation to the taking of acknowledgments by clerks of county courts; which, on his motion, was read the first, and ordered to be read a second time, and referred to the committee for courts of justice.

Mr. Hundley offered the following joint resolution, which lies over under the rules:

Resolved by the senate (the house of delegates concurring), That the general assembly will proceed, on Thursday, the 12th day of December, 1872, at one o'clock p. m., to elect judges for the counties of Appomattox and Powhatan, to fill the vacancies occasioned by the resignations of Judge L. D. Isbell, of Appomattox, and of Judge John F. Lay, of Powhatan.

On motion of Mr. Hundley, the rule requiring joint resolutions to lie over at least one day was suspended, and the resolution was taken up and agreed to.

Ordered, That the clerk inform the house of delegates thereof, and request their concurrence therein.

On motion of Mr. Patterson, the senate adjourned until to-morrow, twelve o'clock.

WEDNESDAY, DECEMBER 11, 1872.

Prayer by Rev. Dr. Edwards.

A communication from the house of delegates, by their clerk, was read, as follows:

In House of Delegates, December 10, 1872.

The house of delegates have passed bills entitled an act for the relief of G. Guovernator, C. Wendlinger, and E. Lohman, securities of Fernando King, late sheriff of Surry county, No. 2, and an act for the relief of William M. Buck, No. 3, in which they respectfully request the concurrence of the senate.

No. 2, House bill entitled "an act for the relief of G. Guovernator, C. Wendlinger, and E. Lohman, securities of Fernando King, late sheriff of Surry county," was taken up, twice read, and referred to the committee on finance.

No. 3, House bill entitled "an act for the relief of William M. Buck was taken up, twice read, and referred to the committee on finance.

The President laid before the senate a communication from the board of public works in response to a resolution of the senate calling for information in regard to the sale of the state's interest in the Alexandria, Loudoun and Hampshire railroad; which, on motion of Mr. Ward, was laid on the table and ordered to be printed. (Doc. No. 4.)

A message was received from the house of delegates, by Mr. Matthews, who informed the senate that that house had agreed to the senate joint resolution for electing county judges for the counties of Appomattox and Powhatan, with an amendment.

The joint resolution was subsequently taken up, and the amendment proposed by the house of delegates, viz: to insert the county of Botetourt, was agreed to.

On motion of Mr. Lackland, it was

Ordered, That he inform the house of delegates thereof.

Mr. Fitzpatrick, from the committee on general laws, reported without amendment,

No. 4, Senate bill to amend and re-enact the 5th section of chapter 1st of an act entitled "An act providing a charter for the city of Staunton," in force March 22, 1872; which was subsequently taken up, read the second, and ordered to be engrossed and read a third time.

He, from the same committee reported, without amendment (and exempt from the tax imposed by the 61st section of the "tax bill"),

No. 26, Senate bill to amend and re-enact the 2d section of an act entitled an act authorizing an increase of the capital stock of the Kanawha coal company, and for other purposes, passed March 1st, 1858; which was subsequently taken up, read the second time, and ordered to be engrossed and read a third time.

He, from the same committee, reported with the recommendation that it do not pass,

No. 19, Senate bill to repeal the "fence law" in certain townships in Fairfax county; which was subsequently taken up, read the second time, and, on motion of Mr. Taylor of Loudoun, recommitted to the committee on general laws.

And he, from the same committee, presented

No. 43, A bill to exempt citizens of Tangier, Syres, and Chincoteague islands from jury service.

Mr. Thomas, from the committee on finance, reported without amendment,

No. 11, Senate bill to amend and re-enact an act continuing the payment of interest and dividends to the incorporated colleges or other seminaries of learning in the state, approved March 20, 1872.

He, from the same committee, reported without amendment (and exempt from the tax imposed by the 61st section of the "tax bill"),

No. 31, Senate bill for the relief of Houston Rucker, providing that a portion of his license tax be refunded to him.

And he, from the same committee, reported with amendments,

No. 32, Senate bill to amend and re-enact section 61 of an act approved April 5, 1872, imposing taxes for support of the government, and free schools, and to pay the interest on the public debt.

Mr. Anderson of Rockbridge, from the committee on public institutions, reported without amendment

No. 22, Senate bill authorizing the formation of a sub-school district in Mt. Gilead and Jefferson townships in the county of Loudoun, and to provide for the erection of school buildings in the same.

He, from the same committee, reported, declaring it inexpedient to legislate on the subject.

A resolution enquiring into the expediency of so amending the public school laws as to abolish the district and county school taxes, &c.

And he, from the same committee, reported, asking to be discharged from the further consideration of the subject, as it has been referred to a special joint committee.

A resolution enquiring into the expediency of replacing the Houdon statue of Washington in its former position, &c.

On motion of Mr. Nowlin,

Resolved, That the joint committee on amendments to the constitution enquire into the expediency of amending section two of article six, of the constitution, so as to provide that the supreme court of appeals shall have jurisdiction in civil cases where the matter in controversy, exclusive of interest, amounts to one hundred dollars; and also into the expediency of so amending the third section of article six as to provide for a restoration of our former system of district courts.

On motion of Mr. Nowlin,

Resolved, That the joint committee on amendments to the constitution enquire into the expediency of amending section two, article five, of the constitution, so as to provide that the house of delegates shall consist of not more than one hundred members; and section three of said article, so as to provide that the senate shall consist of not more than thirty-three members.

On motion of Mr. Hundley,

Resolved, That the committee on roads and internal navigation be instructed to enquire into the expediency of enacting a law requiring railroad companies in this state to secure the establishment of a telegraph office at each station along their respective routes, and to require their agents to telegraph from one station to the next the arrival and departure of each train.

Mr. Hundley offered the following preamble and resolution, which were agreed to:

Whereas the laws of this state afford no aggregate protection to human life upon railways and other public conveyances: therefore

Resolved, That the committee for courts of justice be instructed to enquire into the expediency of constituting negligence on the part of any official connected with public conveyances in this state, whereby life shall be lost, or great bodily injury result to the person of any one, a felony, punishable by confinement in the penitentiary not less than one nor more than ten years.

Mr. Lackland offered the following joint resolution, which lies over under the rules:

Resolved (the house of delegates concurring), That all elections by

the general assembly to fill vacancies in the office of judge shall be only for the unexpired term of his predecessor.

On motion of Mr. Lackland, the rules being suspended therefor, the resolution was taken up and agreed to.

On motion of Mr. Lackland, it was

Ordered, That he inform the house of delegates thereof, and request their concurrence thereto.

On motion of Mr. Lathrop,

Resolved, That the committee for courts of justice be instructed to enquire into the expediency of so amending the Code as to grant the privilege of trial by jury in cases before a justice of the peace upon demand of a party to the action.

On motion of Mr. Thomas,

Resolved, That the auditor of public accounts be requested to furnish the senate at as early a day as practicable,

1st. What amount of funds there are now in the treasury.

2d. Of what amount now in the treasury is held subject for the payment of the interest due January and July, 1872.

3d. What will be the amount of liability upon the treasury for the interest falling due January and July, 1873, at the rate of 4 per cent. and 6 per cent., as also for the 2 per cent. withheld by the act passed 1872.

4th. What is his estimate of the expenditures for support of government for 1873, and his estimate of the amount derivable from taxes applicable thereto, and what, in his opinion, will be the deficit, if any.

The President laid before the senate the following communication from James V. Brooke, Esq., enclosing a letter from Thomas N. Latham, Esq., tending his resignation as senator:

RICHMOND, VA., December 10, 1872.

To Hon. JOHN L. MARYE,

President of the Senate of Virginia:

I have to-day received the enclosed communication from Thomas N. Latham, Esq., a member of your body, representing the 21st senatorial district. In it, as you will perceive, he authorizes me "to prepare his resignation, sign his name to it, and have it presented to the senate;" and further authorizes me "to do everything that may be necessary to effect his resignation." As you will readily perceive, I can do no more than to lay this communication before your body for its consideration, and such action thereupon as it may deem proper. Further correspondence with him, on my part, looking to a more formal resignation might work inconvenient delay, and, in his present feeble state of health, might serve to annoy him, which I would desire to avoid.

Respectfully yours,

(Signed)

JAMES V. BROOKE,
Delegate from Fauquier.

NEW BRUNSWICK, December 9, 1872.

Mr. JAMES V. BROOKE, Richmond, Va.

DEAR BROOKE:

I received your letter. My health is so feeble that I have concluded to resign my seat as a member of the senate of Virginia. I hereby authorize you to prepare my resignation, sign my name to it, and have it presented to the senate. I also authorize you to do everything that may be necessary to effect my resignation as senator as aforesaid. I had hoped to be able to attend the legislature this session but my health will not admit of it.

Yours truly,

TH. N. LATHAM.

On motion of Mr. Thomas, the communication and accompanying letter were laid on the table, and ordered to be printed.

Mr. Thomas offered the following resolutions, which were agreed to :

1. Resolved, That the senate regrets the causes which have led to the resignation of Thomas N. Latham, senator from the counties of Fauquier and Rappahannock.

2. Resolved, That a writ of election be issued by the President of the senate, directed to the counties composing the twenty first senatorial district, for the election of a senator for the unexpired term of Thomas N. Latham, on Friday, 27th of December instant.

The President appointed as the committee on the part of the senate on the joint committee to report the best permanent disposition to make of the Houdon statue of Washington, Messrs. Anderson of Pittsylvania, Wynne, and Taylor of Norfolk city.

On motion of Mr. Wynne, he and Mr. Holladay were granted leave of absence until Friday next, on business connected with the penitentiary.

No. 9. Senate bill declaring valid decrees made in vacation by consent of parties was taken up, read the third time, and passed with its title.

Ordered, That the clerk inform the house of delegates thereof, and request their concurrence therein.

No. 8, Senate bill to amend and re-enact section four of chapter 186 of the Code of 1860, in relation to docketing judgments and other liens, of a like nature, was taken up and read the third time ; when

On motion of Mr. Kirkpatrick (by general consent), the bill was amended by striking out in the commencement clause the words "from its passage," and inserting in lieu thereof the words "from and after the first day of July, 1873," and as amended, passed with its title.

No. 13, Senate bill declaring dogs property in the meaning of the criminal law was taken up, read the third time ; and on motion of Mr. Fitzpatrick, laid on the table.

No. 25, Senate bill to authorize the collector of Pungoteague township to collect the district school taxes for the year 1871, was taken up, read the third time, and passed with its title.

Ordered, That the clerk inform the house of delegates thereof, and request their concurrence therein.

No. 32, Senate bill to amend and re-enact section 61 of an act approved April 5th, 1872, imposing taxes for support of government and free schools, and to pay the interest on the public debt, was taken up and read the second time; and the question being on the adoption of the substitute of the committee on finance,

Mr. Greene moved as a substitute therefor, senate bill, No. 5, which proposes to repeal the 60th and 61st sections of the act approved April 5th, 1872, imposing taxes for support of government, &c.; and the question being put thereon, was determined in the negative—ayes 15, noes 21.

On motion of Mr. Greene, the vote was recorded as follows:

Ayes—Messrs. Anderson of Pittsylvania, French, Greene, Lackland, Martin, Norton, Nowlin, Nutting, Patterson, Quesenberry, Robinson, Roller, Rue, Stevens, and Ward—15.

Noes—Messrs. Anderson of Rockbridge, Beazley, Boykin, Cochran, Fitzpatrick, Greever, Herndon, Holladay, Hundley, Johnson, Kirkpatrick, Meem, Penn, Perrin, Pridemore, Smith, Taylor of Loudoun, Taylor of Norfolk city, Terry, Thomas, and Wynne—21.

The question recurring on the adoption of the substitute proposed by the committee, Mr. Thomas moved to amend the same by striking out the words “two dollars;” and the question being put thereon, was determined in the negative—ayes 17, noes 19.

On motion of Mr. Cochran, the vote was recorded as follows:

Ayes—Messrs. Anderson of Rockbridge, Beazley, Boykin, French, Greene, Herndon, Holladay, Hundley, Lackland, Nutting, Patterson, Quesenberry, Roller, Stephens, Thomas, Ward, and Wynne—17.

Noes—Messrs. Anderson of Pittsylvania, Cochran, Fitzpatrick, Greever, Johnson, Kirkpatrick, Martin, Meem, Norton, Nowlin, Penn, Perrin, Pridemore, Robinson, Rue, Smith, Taylor of Loudoun, Taylor of Norfolk city, and Terry.

A motion was then made by Mr. Kirkpatrick, that the senate adjourn; and the question being put thereon, was determined in the negative.

The question again recurring on the adoption of the substitute proposed by the committee on finance,

Mr. Taylor of Norfolk city moved to amend the same by striking out the words “until the maximum be reached,” and inserting before the words “capital stock” the word “maximum;” and the question thereon being put, was determined in the affirmative.

The question being on the adoption of the substitute of the committee as amended,

On motion of Mr. Kirkpatrick, the senate adjourned until to-morrow, twelve o'clock.

THURSDAY, DECEMBER 12, 1872.

A communication from the house of delegates, by their clerk, was read as follows:

In the House of Delegates, December 11, 1872.

The house of delegates have passed senate bill entitled an act authorizing the trustees of the Protestant Episcopal church and congregation at Harrisonburg to execute deeds of trust, No. 27; and have passed house bills entitled an act to amend an act entitled an act to amend the charter, and change the name of the Merchants and mechanics savings bank of the city of Richmond, No. 1; an act to authorize and empower the council of the city of Richmond to increase the salaries of the judges of the circuit, chancery, and hustings courts of said city, No. 6; an act to incorporate the Isle of Wight land and lumber company, No. 10; an act to repeal an act authorizing the supervisors of certain counties to impose a tax on dogs, No. 11; and an act to amend the charter of the town of Seddon, in the county of Bland, No. 12; in which they respectfully request the concurrence of the senate.

No. 1, House bill entitled an act to amend an act entitled an act to amend the charter and change the name of the Merchants and mechanics savings bank of the city of Richmond, was taken up, twice read—when

Mr. Wynne moved to suspend the rule requiring the commitment of the bill—pending which,

A message was received from the house of delegates by Mr. O'Ferrall, who informed the senate that that house had agreed to the joint resolution of the senate declaring elections of judges to fill vacancies to be for the unexpired terms of their predecessors.

The question recurring on the motion submitted by Mr. Wynne to suspend the rules, &c.,

Mr. Quesenberry moved that the senate proceed to the execution of the joint order of the day, having for its object the election of judges of the county courts of Dinwiddie, Appomattox, Powhatan, and Botetourt counties; which motion was agreed to, and

On motion of Mr. Taylor of Loudoun, it was

Ordered, That he inform the house of delegates that the senate is ready, on its part, to proceed to the execution of the joint order of the day.

A message was received from the house of delegates by Mr. Kelley, who informed the senate that that house is ready, on its part, to proceed to the execution of the joint order.

Mr. Quesenberry offered the following joint resolution, and the rules being suspended, on his motion the resolution was agreed to :

Resolved (with the concurrence of the house of delegates), That the two houses of the general assembly, in voting for judges, will vote for the judge of the county court of Dinwiddie and the judge of the county court of Appomattox in one roll-call.

On motion of Mr. Quesenberry, it was

Ordered, That he inform the house of delegates of the adoption of the resolution, and request their concurrence therein.

A message was received from the house of delegates by Mr. Ramsdell, who informed the senate that J. S. Budd is the only person in nomination in that house for the office of judge of the county court of Dinwiddie.

On motion of Mr. Hundley, it was

Ordered, That he inform the house of delegates that the senate is also ready to proceed with the said election, and that no additional nominations for that office had been made in the senate.

The roll was then called with the following result:

For J. S. Budd,	30
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Senators who voted for Mr. Budd, are—Messrs. Anderson of Pennsylvania, Anderson of Rockbridge, Beazley, Boykin, Cochran, Fitzpatrick, Greene, Greever, Grimsley, Herndon, Holladay, Hundley, Johnson, Lackland, Martin, Meem, Norton, Nowlin, Patterson, Penn, Perrin, Quesenberry, Robinson, Roller, Rue, Taylor of Loudoun, Taylor of Norfolk city, Thomas, Ward, and Wynne—30.

The President appointed Messrs. Hundley and Lackland a committee on the part of the senate to meet a similar committee on the part of the house of delegates and count the joint vote, who, through their chairman, Mr. Hundley, reported,

Whole number of votes cast,	146
Necessary to a choice,	74
Of which J. S. Budd received	146

J. S. Budd having received all the votes cast, was declared duly elected judge of the county court of Dinwiddie for the unexpired term of Judge James Boisseau, deceased.

A message was received from the house of delegates by Mr. Booker, who informed the senate that that house is ready, on its part, to proceed to the execution of so much of the joint order as has for its object the election of judge of the county court of Appomattox.

The senate proceeded to the execution of so much of the order of the day as has for its object the election of a judge of the county court of Appomattox; whereupon,

Mr. Hundley nominated for the office of judge of the county court of Appomattox Henry T. Parrish; and on his further motion, it was

Ordered, That he inform the house of delegates that the senate is ready, on its part, to proceed to the execution of so much of the joint order as has for its object the election of judge of the county court of Appomattox, and that Henry T. Parrish is the only person in nomination in the senate for that office.

A message was received from the house of delegates by Mr. Elliott, who informed the senate that no additional nominations had been made in that house for that office.

The roll was then called with the following result:

For Henry T. Parrish,	30
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Senators who voted for Mr. Parrish, are—Messrs. Anderson of

Pittsylvania, Anderson of Rockbridge, Beazley, Boykin, Cochran, Fitzpatrick, French, Greever, Grimsley, Herndon, Holladay, Hundley, Johnson, Kirkpatrick, Lackland, Meem, Norton, Nowlin, Patterson, Penn, Pridemore, Quesenberry, Robinson, Roller, Smith, Terry, Thomas, Ward, and Wynne—30.

The President appointed Messrs. Kirkpatrick and Hundley a committee on the part of the senate to meet a similar committee on the part of the house of delegates and count the joint vote, who, through their chairman, Mr. Kirkpatrick, reported,

Whole number of votes cast,	-	-	137
Necessary to a choice,	-	-	69
Of which Henry T. Parrish received	-	-	137

Henry T. Parrish having received all the votes cast, was declared duly elected judge of the county court of Appomattox for the unexpired term of Lewis D. Isbell, resigned.

A message was received from the house of delegates by Mr. Fitzgerald, who informed the senate that that house is ready, on its part, to proceed to the execution of so much of the joint order as has for its object the election of judge of the county court of Botetourt. Thereupon,

The senate proceeded to the execution of so much of the joint order as has for its object the election of a judge of the county court of Botetourt—when

Mr. Lackland nominated for the office of judge of the county court of Botetourt John J. Allen; and, on his motion, it was

Ordered, That he inform the house of delegates that the senate is ready, on its part, to proceed to the execution of so much of the joint order as has for its object the election of judge of the county court of Botetourt, and that John J. Allen is the only person in nomination in the senate for that office.

A message was received from the house of delegates by Mr. Allen, who informed the senate that there is no additional nomination for the office of judge of the county court of Botetourt in that house.

The roll was then called with the following result:

For John J. Allen,	-	-	27
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Senators who voted for Mr. Allen, are—Messrs. Anderson of Pittsylvania, Anderson of Rockbridge, Beazley, Cochran, Fitzpatrick, French, Greever, Grimsley, Herndon, Holladay, Hundley, Johnson, Kirkpatrick, Lackland, Meem, Nowlin, Patterson, Penn, Perrin, Pridemore, Quesenberry, Robinson, Smith, Taylor of Loudoun, Thomas, Ward, and Wynne—27.

The President appointed Messrs. Lackland and Anderson of Pittsylvania a committee on the part of the senate to meet a similar committee on the part of the house of delegates and count the joint vote, who, through their chairman, Mr. Lackland, reported,

Whole number of votes cast,	-	-	133
Necessary to a choice,	-	-	67
Of which Mr. Allen received	-	-	133

John J. Allen having received all the votes cast, was declared duly elected judge of the county court of Botetourt for the unexpired term of Thomas D. Houston, resigned.

A message was received from the house of delegates by Mr. Bolling, who informed the senate that that house is ready, on its part, to proceed to the execution of so much of the joint order as has for its object the election of a judge of the county court of Powhatan. Thereupon,

The senate proceeded to execute the said order—when

Mr. Holladay nominated for that office William Pope Dabney; and, on his motion, it was

Ordered, That he inform the house of delegates that the senate is ready, on its part, to proceed to the execution of so much of the joint order as has for its object the election of judge of the county court of Powhatan, and that Wm. Pope Dabney is the only person in nomination in the senate for that office.

A message was received from the house of delegates by Mr. Gray, who informed the senate that no additional nominations had been made in that house for the office of judge of the county court of Powhatan.

The roll was then called with the following result:

For William Pope Dabney,	28
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Senators who voted for Mr. Dabney, are—Messrs. Anderson of Pennsylvania, Anderson of Rockbridge, Beazley, Boykin, Cochran, Fitzpatrick, French, Greever, Grimsley, Herndon, Holladay, Hundley, Johnson, Kirkpatrick, Lackland, Martin, Meem, Norton, Patterson, Penn, Perrin, Pridemore, Quesenberry, Roller, Taylor of Loudoun, Thomas, Ward, and Wynne—28.

The President appointed Messrs. Holladay and Perrin a committee on the part of the senate to meet a similar committee on the part of the house of delegates and count the joint vote, who, through their chairman, Mr. Holladay, reported,

Whole number of votes cast,	- - - - 135
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Necessary to a choice,	- - - - 68
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Of which William Pope Dabney received,	- 135
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Wm. Pope Dabney having received all the votes cast, was declared duly elected judge of the county court of Powhatan for the unexpired term of Judge John F. Lay, resigned.

The joint order of the day having been executed, the question recurred on the motion submitted by Mr. Wynne, to suspend the rule requiring the commitment of house bill, No. 1, entitled an act to amend an act entitled an act to amend the charter and change the name of the Merchants and mechanics saving bank of the city of Richmond; and, being put, was determined in the affirmative.

The bill was then read the third time and passed with its title.

Ordered, That the clerk inform the house of delegates thereof.

No. 6, House bill entitled an act to authorize and empower the council of the city of Richmond to increase the salaries of the judges of the circuit, chancery, and hustings courts of said city, was taken up, twice read, and referred to the committee for courts of justice.

No. 10, House bill entitled an act to incorporate the Isle of Wight land and lumber company was taken up, twice read, and, on motion of Mr. Boykin, the rule requiring the commitment of the same being suspended, was read the third time, and passed with its title.

No. 11, House bill to repeal an act authorizing the supervisors of

certain counties to impose a tax on dogs was twice read, and referred to the committee on finance.

No. 12, House bill entitled an act to amend the charter of the town of Seddon, in the county of Bland, was twice read, and, on motion of Mr. French, the rule requiring the commitment of the same being suspended, was read the third time, and passed with its title.

Ordered, That the clerk inform the house of delegates thereof.

Mr. Herndon, from the committee for courts of justice, reported without amendment,

No. 30, Senate bill declaring valid the assessment of real estate and the collection of taxes on the same, under the act in force January 24, 1872.

He, from the same committee, reported without amendment,

No. 38, Senate bill to amend and re-enact section 40, chapter 49 of the Code of Virginia, 1860, in regard to judgments by motions against officers and their sureties.

Mr. Cochran, from the committee on roads and internal navigation, reported without amendment,

No. 15, Senate bill authorizing the Old Dominion coal company to construct a railroad from their coal mines in Powhatan county to James river.

He, from the same committee, reported that it was inexpedient to legislate on the subject of a resolution in relation to running railroad trains on Sunday.

Mr. Roller, from the committee on banks, reported without amendment,

No. 18, Senate bill to amend and re-enact sections 3, 4, and 6 of chapter 144 of the Code of Virginia, 1860, in reference to the protest of notes.

On motion of Mr. Quesenberry, Mr. Connally was granted leave of absence for two days.

The President laid before the senate a communication from the board of revisors of the revenue laws, which was read, as follows:

RICHMOND, December 12, 1872.

To the General Assembly of Virginia:

We beg leave to submit herewith our report, made under joint resolution of both houses of the general assembly, approved March 13, 1872, requesting the secretary of the commonwealth, auditor of public accounts, second auditor, and treasurer to revise the laws for the assessment and collection of taxes, &c.

Very respectfully,

(Signed)

JAMES McDONALD,
Secretary of the Commonwealth,
WILLIAM F. TAYLOR,
Auditor of Public Accounts,
ASA ROGERS,
Second Auditor,
JOSEPH MAYO, Jr.,
Treasurer.

On motion of Mr. Thomas, the communication and report were referred to the committee on finance.

Mr. Hundley, by leave, presented

No. 44, A bill to extend the time within which the assessors of Amelia county, appointed under an act for the re-assessment of lands in the commonwealth, in force February 1, 1872, may return copies of their assessments; which, on his motion, was read the first, and ordered to be read a second time.

An unsuccessful motion was made by Mr. Hundley, that the said bill have its second reading to-day.

On motion of Mr. Hundley, the said bill was referred to the committee on finance.

Mr. Pridemore, by leave, presented

No. 45, A bill to amend and re-enact section 2, chapter 128 of the Code of 1860, in relation to the sale of infants, insane persons, and trust estates; which, on his motion, was read the first, and ordered to be read a second time, and referred to the committee for courts of justice.

Mr. Herndon, by leave, presented

No. 46, A bill to provide for the gradual extinction of the debt due by the University of Virginia; which, on his motion, was read the first, and ordered to be read a second time, and referred to the committee on public institutions.

Mr. Penn, by leave, presented

No. 47, A bill to extend the time for the collection of taxes in the county of Patrick; which, on his motion, was read the first, and ordered to be read a second time, and referred to the committee on finance.

On motion of Mr. Johnson, leave of absence was granted Mr. Martin for one day.

No. 32, Senate bill to amend and re-enact section 61 of an act approved April 5, 1872, imposing taxes for the support of government and free schools, and to pay the interest on the public debt, being the unfinished business of this morning, was taken up; and the question being on the substitute of the committee on finance, as amended,

On motion of Mr. Quesenberry, the senate adjourned until to-morrow, twelve o'clock.

FRIDAY, DECEMBER 13, 1872.

Prayer by Rev. Dr. Edwards.

The President laid before the senate a communication from E. C. Howard, city clerk of the city of Richmond, enclosing resolutions relative to the removal of the penitentiary adopted by the city council; which, on motion of Mr. Greene, was referred to the committee on public institutions.

Mr. Thomas, from the committee on finance, reported without amendment,

No. 21, Senate bill to secure and provide for paying the railroad debts of counties, townships, cities, and towns in Virginia; which was subsequently taken up, read the second time, and, on motion of Mr. Penn, laid on the table, and made the order of the day for Tuesday next.

He, from the same committee, reported, with a substitute therefor,

No. 6, Senate bill for the relief of the late sheriffs of this commonwealth; which was subsequently taken up, read the second time, and, on motion of Mr. Nowlin, laid on the table.

He, from the same committee, reported with amendments,

No. 3, House bill entitled an act for the relief of William M. Buck.

He, from the same committee, reported without amendment,

No. 2, House bill entitled an act for the relief of G. Guvernator, C. Wendlinger, and E. Lohman, securities of Fernando King, late sheriff of Surry county.

And he, from the same committee, reported without amendment,

No. 11, House bill entitled an act to repeal an act authorizing the supervisors of certain counties to impose a tax on dogs.

Mr. Anderson of Rockbridge, from the committee on public institutions, reported without amendment,

Senate joint resolution providing for the selection of a site for a state reform school, and the erection of suitable buildings thereon.

And he, from the same committee, reported with amendments,

No. 24, Senate bill to establish a state reform school; which was subsequently taken up, read the second time, and the amendments proposed by the committee were agreed to; and the bill, as amended, was ordered to be engrossed and read a third time.

Mr. Grimsley, from the committee on county, city, and town organizations, reported, with the recommendation that it do not pass (the object being provided for by section 7, chapter 39, Acts 1869-70),

No. 20, Senate bill to provide for a re-division of the county of Fairfax into townships; which was subsequently taken up, read the second, and ordered to be engrossed and read a third time.

He, from the same committee, presented

No. 48, A bill to amend section 2 of an act approved March 13, 1872, prescribing the duties and compensation of county officers.

And he, from the same committee, presented

No. 49, A bill to amend and re-enact the 75th section of an act approved March 19, 1870, in relation to the duties and compensation of certain township officers.

Mr. Lackland, by leave, presented

No. 50, A bill to amend and re-enact section 33 of chapter 162 of the Code of 1860, in regard to juries generally, and the pay of jurors; which, on his motion, was read the first, and ordered to be read a second time, and referred to the committee for courts of justice.

Mr. Greene, by leave, presented

No. 51, A bill to amend and re-enact section 24 of the act approved May 11, 1870, entitled an act to provide for a general election; which, on his motion, was read the first, and ordered to be read a second time, and referred to the committee of privileges and elections.

On motion of Mr. Taylor of Loudoun, the senate proceeded to the consideration of bills on their second reading.

No. 31, Senate bill for the relief of Houston Rucker, providing that a portion of his license tax be refunded to him, was taken up, read the second, and ordered to be engrossed and read a third time; and, being forthwith engrossed, was, on motion of Mr. Fitzpatrick (two-thirds concurring), read the third time; and the question on the passage thereof being put, was determined in the affirmative—ayes 30, noes none.

The vote was recorded as follows:

Ayes—Messrs. Anderson of Pittsylvania, Anderson of Rockbridge, Beazley, Boykin, Fitzpatrick, French, Graham, Greene, Greever, Grimsley, Herndon, Hundley, Johnson, Kirkpatrick, Lackland, Lewis, Massey, Meem, Nowlin, Nutting, Penn, Perrin, Pridemore, Quesenberry, Robinson, Rue, Taylor of Loudoun, Terry, Thomas, and Ward—30.

Nays—None.

The title was then agreed to.

Ordered, That the clerk inform the house of delegates, and request their concurrence therein.

No. 22, Senate bill authorizing the formation of a sub-school district in Mt. Gilead and Jefferson townships in the county of Loudoun, and to provide for the erection of school buildings in the same, was taken up, read the second time, and, having been amended, on motion of Mr. Taylor of Loudoun, was ordered to be engrossed and read a third time; and being forthwith engrossed, was, on motion of Mr. Taylor of Loudoun, (two-thirds concurring), read the third time, and passed with its title.

Ordered, That the clerk inform the house of delegates thereof, and request their concurrence therein.

No. 34, Senate bill providing for the preservation of historical papers was taken up, read the second, and ordered to be engrossed and read a third time.

No. 11, Senate bill to amend and re-enact an act continuing the payment of interest and dividends to the incorporated colleges or other seminaries of learning in the state, approved March 20, 1872, was taken up, read the second time—when

Mr. Fitzpatrick moved to amend the bill by striking out in the 21st line of the first amended section the word "heretofore," and inserting after the word "accrued," in the same line the words, "since the first day of January, 1871"—pending which,

Mr. Taylor of Loudoun moved to re-commit the bill to the committee on finance; and the question being put thereon, was determined in the affirmative—ayes 17, noes 13.

On motion of Mr. Taylor of Loudoun, the vote was recorded as follows:

Ayes—Messrs. Anderson of Pittsylvania, Anderson of Rockbridge, Beazley, Boykin, Graham, Grimsley, Herndon, Johnson, Lackland, Lewis, Meem, Perrin, Robinson, Roller, Taylor of Loudoun, Terry, and Ward—17.

Nays—Messrs. Fitzpatrick, French, Greene, Greever, Lathrop, Norton, Nowlin, Penn, Pridemore, Quesenberry, Rue, Stevens, and Thomas—13.

No. 30, Senate bill declaring valid the assessment of real estate, and the collection of taxes on the same, under the act in force January 24th, 1872, was taken up, read the second, and ordered to be engrossed and read a third time; and being forthwith engrossed, Mr. Fitzpatrick moved that it have its third reading to-day; and the question being put thereon, was determined (for want of a two-thirds vote) in the negative.

No. 38, Senate bill to amend and re-enact section 40, chapter 49 of the Code of Virginia of 1860, in regard to judgments by motion against officers and their sureties, was taken up, read the second, and ordered to be engrossed and read a third time.

No. 15, Senate bill authorizing the Old Dominion coal company to construct a railroad from their coal mines in Powhatan county to James river, was taken up, read the second, and ordered to be engrossed and read a third time.

No. 18, Senate bill to amend and re-enact sections 3, 4, and 6 of chapter 144 of the Code of Virginia of 1860, in reference to the protest of notes, was taken up, read the second, and ordered to be engrossed and read a third time.

On motion of Mr. Anderson of Rockbridge, the committee on public institutions was granted leave of absence to-morrow to attend to duties devolved on them as said committee.

On motion of Mr. Taylor of Loudoun,

Resolved, That the committee for courts of justice enquire into the expediency of so amending the 9th section of chapter 77 of the Code of 1860 as to confer on the county and corporation courts the like power of appointing trustees for religious and benevolent associations as is now vested in the circuit courts.

On motion of Mr. Grimsley,

Resolved, That the committee on public institutions be instructed to enquire into the expediency of so amending the public schools law as to give to any person or persons aggrieved by the action of the district school trustees in the location of schools a right of appeal to the board of school commissioners for the county, or to the county court.

On motion of Mr. Kirkpatrick,

Resolved, That the auditor of public accounts be requested to inform the senate what steps have been taken by him to enforce the fines prescribed by section 23 of chapter 164 of the Code of Virginia, 1860, against such clerks as have failed to furnish the clerk of the house of delegates with the reports required by section 22 of said chapter, and whether, in his opinion, any, and what legislation is necessary to facilitate the execution of said 23d section by enforcing the penalties therein specified.

Mr. Herndon, by leave, presented the petition of John L. Goolrick and others, members of the Fredericksburg bar, in regard to the codification of the laws of the commonwealth; which, on his motion, was referred to the committee for courts of justice.

No. 32, Senate bill to amend and re-enact section 61 of an act approved April 5, 1872, imposing taxes for support of the government and free schools, and to pay the interest on the public debt, being the

unfinished business of yesterday, was taken up; and the question being on the adoption of the substitute proposed by the committee on finance as amended, was put, and determined in the negative—ayes 12, noes 18.

On motion of Mr. Penn, the vote was recorded as follows:

Ayes—Messrs. Boykin, Fitzpatrick, French, Grimsley, Johnson, Kirkpatrick, Lewis, Meem, Perrin, Pridemore, Taylor of Loudoun, and Thomas—12.

Noes—Messrs. Anderson of Pittsylvania, Anderson of Rockbridge, Beazley, Greene, Greever, Herndon, Hundley, Lackland, Lathrop, Norton, Nowlin, Nutting, Penn, Quesenberry, Robinson, Roller, Rue, and Ward—18.

The question being on the engrossment of the bill,

On motion of Mr. Penn, the bill was amended by inserting after the word “company,” in the 4th line of the 61st amended section, the words “other than the right to organize.”

Mr. Penn moved further to amend the same section by striking out the words “two dollars,” in the 8th line, and inserting in lieu thereof the words “one dollar;” and the question being put thereon, was determined in the affirmative—ayes 22, noes 9.

On motion of Mr. Roller, the vote was recorded as follows:

Ayes—Messrs. Anderson of Pittsylvania, Anderson of Rockbridge, Beazley, Boykin, French, Graham, Greene, Greever, Hundley, Lackland, Lathrop, Norton, Nowlin, Penn, Pridemore, Quesenberry, Robinson, Roller, Rue, Taylor of Loudoun, Thomas, and Ward—22.

Noes—Messrs. Fitzpatrick, Grimsley, Herndon, Johnson, Kirkpatrick, Lewis, Meem, Perrin, and Terry—9.

On motion of Mr. Kirkpatrick, the same section was further amended by inserting after the word “cents,” in the 8th line, the words “and no increase of the capital stock of a joint stock company authorized by an amendment of its charter, or made in pursuance of a chartered privilege by the stockholders thereof, shall be good and effectual in law until the tax due on such increase has been paid into the treasury.”

On motion of Mr. Thomas, the section was further amended by striking out in the 11th and 12th lines the words “and not for the incorporation of a company or the amendment of a charter.” Thereupon,

Mr. Pridemore moved to reconsider the vote by which the senate rejected the substitute offered by Mr. Greene, being senate bill No. 5, to repeal section 60 and 61 of an act entitled an act imposing taxes for the support of the government,” &c.—pending which,

Mr. Johnson made an unsuccessful motion to adjourn.

The question recurring on the motion submitted by Mr. Pridemore,

Mr. Nutting demanded the pending question, which was ordered; and the question on re-considering the vote by which the senate rejected the substitute offered by Mr. Greene being put, resulted—ayes 16, noes 16.

On motion of Mr. Fitzpatrick, the vote was recorded as follows:

Ayes—Messrs. Anderson of Pittsylvania, French, Graham, Greene, Greever, Lackland, Lathrop, Norton, Nowlin, Pridemore, Quesenberry, Robinson, Roller, Rue, Stevens, and Ward—16.

Noes—Messrs. Anderson of Rockbridge, Beazley, Boykin, Fitzpat-

rick, Grimsley, Herndon, Hundley, Johnson, Kirkpatrick, Lewis, Meem, Penn, Perrin, Taylor of Loudoun, Terry, and Thomas—16.

The senate being equally divided, Lieutenant-Governor John L. Marye, jr., President of the senate, voted “no,” and announced the question determined in the negative.

The question being on the engrossment and third reading of the bill as amended, Mr. Fitzpatrick demanded the pending question, which was ordered; and the question on the engrossment and third reading of the bill being put, was determined in the affirmative—ayes 19, noes 13.

On motion of Mr. French, the vote was recorded as follows:

Ayes—Messrs. Anderson of Pittsylvania, Anderson of Rockbridge, Beazley, Boykin, Greever, Grimsley, Herndon, Hundley, Johnson, Lackland, Lewis, Meem, Nowlin, Penn, Perrin, Robinson, Taylor of Loudoun, Terry, and Thomas—19.

Noes—Messrs. Fitzpatrick, French, Graham, Greene, Kirkpatrick, Lathrop, Norton, Pridemore, Quesenberry, Roller, Rue, Stevens, and Ward—13.

On motion of Mr. Nowlin, the senate adjourned until to-morrow, twelve o'clock.

SATURDAY, DECEMBER 14, 1872.

Mr. Thomas, President pro tem., in the chair.

A communication from the house of delegates, by their clerk, was read as follows:

In House of Delegates, December 13, 1872.

The house of delegates have passed bills entitled an act to incorporate the town of New Market in the county of Shenandoah, No. 13; and an act to repeal an act passed May 19th, 1852, entitled an act to provide for the election of certain officers of the city of Norfolk by the qualified voters thereof, No. 14; in which they respectfully request the concurrence of the senate.

No. 13, House bill entitled an act to incorporate the town of New Market in the county of Shenandoah, was taken up, twice read, and referred to the committee on general laws. Subsequently,

On motion of Mr. Meem, the committee was discharged, and the bill was taken up, read the third time and passed, with its title.

Ordered, That the clerk inform the house of delegates thereof.

No. 14, House bill entitled an act to repeal an act, passed May 19th, 1852, entitled an act to provide for the election of certain officers of the city of Norfolk by the qualified voters thereof, was taken up, twice read, and referred to the committee on county, city, and town organizations.

Mr. Herndon, from the committee for courts of justice, presented a report declaring it inexpedient to legislate on the subject of a resolution

enquiring into the expediency of so amending the Code as to grant the privilege of trials by jury in cases before a justice of the peace, &c.

He, from the same committee, presented a report declaring it inexpedient to legislate on the subject of a resolution, enquiring into the expediency of so amending the Code as to authorize two justices of the peace to enquire and decide whether a person is a lunatic, &c.

He, from the same committee, reported without amendment,

No. 42, Senate bill in relation to the taking acknowledgments by clerks of county courts.

He, from the same committee, reported with amendments,

No. 6, House bill entitled an act to authorize and empower the council of the city of Richmond to increase the salaries of the judges of the circuit, chancery, and hustings courts of said city.

He, from the same committee, reported with a substitute therefor,

No. 1, Senate bill to amend and re-enact an act entitled an act in relation to the interest on money, approved March 15th, 1870, so as to provide that six per cent. shall be the legal rate of interest.

Mr. Hundley, in behalf of a minority of the committee for courts of justice, presented a report dissenting therefrom, and containing an amendment to the first section of the bill.

Mr. Herndon, from the same committee, presented

No. 52, A bill to repeal section 5, of chapter 141 of the Code of 1860, and to revive, amend, and re-enact section 11 of said chapter in relation to interest.

On motion of Mr. Taylor of Loudoun,

Resolved, That the committee on general laws be instructed to enquire into the expediency of establishing a state board of insurance.

Mr. Nowlin offered the following preamble and resolution, which were agreed to :

Whereas the late decision of the court of appeals in regard to the receivability of coupons in payment of taxes renders necessary the raising of a much larger amount of revenue by the state than can possibly be derived from the present rate of taxation ; and whereas, in the present depressed condition of the finances of our people, any higher rate of taxation on the real and personal property of the state would be productive of much suffering, and result in great sacrifice of the property of many citizens of this state ; therefore,

Resolved, That the committee on finance enquire into the expediency of devising some plan of state insurance for raising revenue.

Mr. Ward, by leave, presented

No. 53, A bill to amend and re-enact an act to amend the 1st and 2nd sections of chapter 128, Code of 1860, in relation to leasing and selling lands of persons under disability ; which, on his motion, was read the first, and ordered to be read a second time, and referred to the committee for courts of justice.

Mr. Ward, by leave, presented

No. 54, A bill to amend and re-enact an act to amend the 1st and 6th sections of chapter 129 of Code of 1860, in relation to transferring to persons in another state or country effects in this state ; which, on his

motion, was read the first, and ordered to be read a second time, and referred to the committee for courts of justice.

No. 4, Senate bill to amend and re-enact the 5th section of chapter 1st of an act entitled an act providing a charter for the city of Staunton, in force March 22nd, 1872, was taken up, read the third time and passed with its title.

Ordered, That the clerk inform the house of delegates thereof, and request their concurrence therein.

No. 26, Senate bill to amend and re-enact the 2nd section of an act entitled an act authorizing an increase of the capital stock of the Kanawha coal company, and for other purposes, passed March 1st, 1858, was taken up, read the third time and passed with its title.

Ordered, That the clerk inform the house of delegates thereof, and request their concurrence therein.

No. 34, Senate bill providing for the preservation of historical papers was taken up, read the third time, and, on motion of Mr. Wynne, laid on the table.

No. 30, Senate bill declaring valid the assessment of real estate, and the collection of taxes on the same, under the act in force January 24th, 1872, was taken up, read the third time; and the question on the passage thereof being put, was determined in the affirmative—ayes 21, noes 2.

On motion of Mr. Martin, the vote was recorded as follows:

Ayes—Messrs. Boykin, Fitzpatrick, French, Greene, Holladay, Hundley, Johnson, Kirkpatrick, Lackland, Massey, Meem, Norton, Nowlin, Penn, Rue, Stevens, Taylor of Loudoun, Terry, Thomas, Ward, and Wynne—21.

Noes—Messrs. Martin, and Pridemore—2.

No. 38, Senate bill to amend and re-enact section 40, chapter 49 of the Code of Virginia (1860), in regard to judgments by motion against officers and their sureties was taken up, and read the third time—when,

Mr. Taylor of Loudoun moved to lay the bill on the table; and the question being taken thereon, was determined, on division, in the negative—ayes 6, noes 16. Thereupon,

Mr. Penn moved to reconsider the vote by which the bill was ordered to its engrossment—pending which,

Mr. Taylor of Loudoun made an unsuccessful motion to lay the bill on the table.

The question recurring on the motion to reconsider the engrossment, being put, was determined in the affirmative—when,

On motion of Mr. Penn, the bill was amended, and as amended was ordered to be engrossed and read a third time.

No. 15, Senate bill authorizing the Old Dominion and Powhatan coal company to construct a railroad from the coal mines in Powhatan county to James river was taken up, read the third time and passed with its title.

No. 18, Senate bill to amend and re-enact sections 3, 4, and 6 of chapter 144 of the Code of Virginia (1860), in reference to the protest of notes, was taken up, read the third time—when,

On motion of Mr. Kirkpatrick, by universal consent, the bill was

amended by striking out the commencement clause, and the bill as amended was then passed with its title.

Ordered, That the clerk inform the house of delegates thereof, and request their concurrence therein.

A message was received from the house of delegates by Mr. Riddlebarger, who informed the senate that that house had passed a bill entitled an act to provide artificial limbs for citizens of the commonwealth, who lost their limbs during the war, No. 8; and an act to repeal an act entitled an act to provide for the payment of interest on the public debt, in force March 19, 1872, No. 32.

Mr. Thomas, by leave, presented

No. 55, A bill repealing the act, in force March 7th, 1872, declaring what shall be received in payment of taxes or other demands of the state; which, on his motion, was read the first, and ordered to be read a second time.

Mr. Hundley, by leave, presented

No. 56, A bill to prohibit officers charged with the collection of the revenue of this state, in any manner connected therewith, from using the public moneys for purposes of speculation, and to provide suitable punishment therefor; which was read the first, and ordered to be read a second time.

No. 32, House bill entitled an act to repeal an act entitled an act to provide for the payment of interest on the public debt, in force March 19th, 1872, was taken up, on motion of Mr. Cochran, twice read, and on his further motion, was laid on the table.

Mr. Holladay, by leave, presented

No. 57, A bill to provide for the establishment of a bureau of immigration; which, on his motion, was read the first, and ordered to be read a second time, and referred to the committee on immigration.

A message was received from the house of delegates by Mr. Brooke, who informed the senate that that house had passed a bill entitled an act to prevent the conversion of moneys received by the collecting officers of the commonwealth into coupons, and for other purposes, No. 31.

On motion of Mr. Cochran, the bill was taken up, twice read, and on his further motion, the rule requiring the commitment of the same being suspended, was read the third time; and the question on the passage thereof being put, was determined in the affirmative—ayes 19, noes 4.

On motion of Mr. Thomas, the vote was recorded as follows:

Ayes—Messrs. Anderson of Pittsylvania, Cochran, Fitzpatrick, French, Greene, Hundley, Johnson, Lackland, Meem, Norton, Nowlin, Pridemore, Quesenberry, Roller, Smith, Taylor of Loudoun, Thomas, Ward, and Wynne—19.

Noes—Messrs. Holladay, Kirkpatrick, Penn, and Terry—4.

The title of the bill was then agreed to.

On motion of Mr. Nowlin, it was ordered that he inform the house of delegates thereof.

Mr. Roller, by leave, presented

No 58, A bill to incorporate the Rockingham bank; which, on his

motion, was read the first, and ordered to be read a second time, and referred to the committee on banks.

On motion of Mr. Penn, the senate adjourned until Monday, twelve o'clock.

MONDAY, DECEMBER 16, 1872.

Mr. Thomas, President pro tempore, in the chair.

Prayer by Rev. Dr. Burrows.

A communication from the house of delegates, by their clerk, was read as follows:

In House of Delegates, December 14, 1872.

The house of delegates have passed bills entitled an act to amend and re-enact the 20th and 21st sections of chapter 201 of the Code of Virginia, edition of 1860, relative to the appointment of conservators of the peace for watering places, for the University of Virginia, and for incorporated colleges, No. 18; an act repealing the act passed March 28, 1871, declaring Smith's river, in the county of Henry, a lawful fence, No. 19; an act to incorporate the town of Covington, in the county of Alleghany, No. 20; an act to incorporate the town of Martinsville, in the county of Henry, No. 21; an act to declare New river, from the county line between Giles and Pulaski counties to the county line between Giles and Mercer counties, a lawful fence, No. 22; an act for the relief of George W. Wright, assessor of the township of Taylor, county of Orange, No. 23; an act for the relief of Robert M. Heterick, late superintendent of schools for Rappahannock county, No. 24; and have agreed to joint resolution memorializing congress to abolish the internal tax on all liquors made from fruit, No. 25; in which bills and joint resolution they respectfully request the concurrence of the senate.

No. 18, House bill entitled an act to amend and re-enact the 20th and 21st sections of chapter 201 of the Code of Virginia (edition of 1860), relative to the appointment of conservators of the peace for watering places, for the University of Virginia, and for incorporated colleges, was read twice, and referred to the committee for courts of justice.

No. 19, House bill repealing the act passed March 28, 1871, declaring Smith's river, in the county of Henry, a lawful fence, was read twice, and referred to the committee on general laws.

No. 20, House bill to incorporate the town of Covington, in the county of Alleghany, was read twice, and referred to the committee on general laws.

No. 21, House bill to incorporate the town of Martinsville, in the county of Henry, was read twice, and referred to the committee on general laws.

No. 22, House bill entitled an act to declare New river from the county line between Giles and Pulaski counties to the county line between

Giles and Mercer counties a lawful fence, was read twice, and referred to the committee on general laws.

No. 23, House bill entitled an act for the relief of George W. Wright, assessor of the township of Taylor, county of Orange, was read twice, and referred to the committee on general laws.

No. 24, House bill for the relief of Robert M. Heterick, late superintendent of schools for Rappahannock county, was read twice, and referred to the committee on general laws.

No. 25, House joint resolution memorializing congress to abolish the internal tax on all liquors made from fruit, was read twice, and referred to the committee on federal relations.

No. 8, House bill entitled an act to provide artificial limbs for citizens of the commonwealth who lost their limbs during the war, was read twice, and referred to the committee on finance.

The President laid before the senate a communication from the governor, enclosing a communication from Judge James E. Heath, resigning the judgeship of the county court of Northampton county, to take effect on the 1st day of January, 1873; which, on motion of Mr. Johnson, was laid on the table.

Mr. Fitzpatrick, from the committee on general laws, presented

A report declaring further legislation unnecessary in relation to the 5th section of act of March 20, 1872, relating to fences, and the protection of crops, so as to modify it as to the portion of a county lying within the criminal jurisdiction of a city or town.

And a report declaring that no further legislation is necessary in relation to the expediency of making some provision to protect the citizens of the commonwealth against the venders of fertilizers "so called."

And also a report asking to be discharged from the further consideration of the resolution to them referred in reference "to the expediency of establishing a state board of insurance;" and that the same be referred to the committee on finance.

Mr. Johnson, from the committee on finance, reported with amendments,

No. 2, Senate bill to amend and re-enact an act entitled an act providing for the re-assessment of lands in the commonwealth, passed February 1, 1872, so as to enable those counties in the state which failed to avail themselves of the provisions of said act to do so.

He, from the same committee, reported without amendment,

No. 23, Senate bill directing the sale of real estate purchased by the commonwealth for taxes previous to the 17th day of April, 1861.

He, from the same committee, reported without amendment,

No. 36, Senate bill to amend and re-enact an act entitled an act for the relief of the late sheriffs of the commonwealth.

He, from the same committee, reported without amendment,

No. 44, Senate bill to extend the time within which the assessors of Amelia county, appointed under an act for the re-assessment of lands in the commonwealth, in force February 1, 1872, may return copies of their assessments.

He, from the same committee, reported with an amendment,

No. 11, Senate bill to amend and re-enact an act continuing the payment of interest and dividends to the incorporated colleges or other seminaries of learning in the state, approved March 20, 1872.

And he, from the same committee, presented a report on a resolution to them referred, declaring it "inexpedient and unconstitutional" to exempt from taxation all bonds and other securities taken for money loaned on real estate.

Mr. Pridemore, by leave, presented

No. 59, A bill to repeal section 4, chapter 79, Code of 1860, in relation to the literary fund, the annuity and duties of the University of Virginia; which was read the first, and ordered to be read a second time.

Mr. Pridemore, by leave, presented

No. 60, A bill to repeal sections 5, 18, and 20 of chapter 34, Code of 1860, in relation to the Virginia military institute; which was read the first, and ordered to be read a second time.

On motion of Mr. Fitzpatrick,

Resolved, That the committee on finance be instructed to enquire into the expediency of leasing out for a term of years, with proper restrictions, the oyster beds of the commonwealth with a view to an increase of revenue.

Mr. Meem offered the following resolution:

Resolved, That, in view of the late decision of the court of appeals, the governor of this commonwealth be requested to give to the general assembly his views, at the earliest moment, as to the best mode of raising money to pay the interest on the public debt and defray the expenses of the state.

The question being upon agreeing to the resolution, Mr. Pridemore moved to lay the resolution on the table, and the question being put thereon, was determined in the negative—ayes 13, noes 14.

On motion of Mr. Pridemore, the vote was recorded as follows:

Ayes—Messrs. Connally, French, Greever, Lackland, Martin, Norton, Nutting, Patterson, Pridemore, Quesenberry, Stevens, Ward, and Wynne—13.

Nays—Messrs. Anderson of Pittsylvania, Beazley, Cochran, Fitzpatrick, Greene, Holladay, Johnson, Kirkpatrick, Lewis, Meem, Perrin, Taylor of Loudoun, Terry, and Thomas—14.

The question recurring upon agreeing to the resolution, Mr. Fitzpatrick moved to amend the resolution by adding, "and the increase of taxation necessary;" and the question on agreeing to the amendment being put, was determined in the affirmative; and the question being upon agreeing to the resolution as amended, and being put, was determined in the affirmative.

Ordered, That the clerk inform the governor thereof.

On motion of Mr. Ward,

Resolved, That the committee on finance enquire into the expediency of amending the act making certain banks in the city of Richmond depositories of the public moneys, passed April 29, 1869, so as to provide, if necessary, that the said banks shall not pay the deposits due the state in coupons.

No. 24, Senate bill to establish a state reform school was read the third time and passed—ayes 20, noes 13.

On motion of Mr. Pridemore, the vote was recorded as follows:

Ayes—Messrs. Anderson of Rockbridge, Beazley, Graham, Greene, Holladay, Kirkpatrick, Lewis, Martin, Meem, Norton, Nutting, Penn, Quesenberry, Roller, Rue, Smith, Thomas, Ward, and Wynne—20.

Noes—Messrs. Anderson of Pittsylvania, Cochran, Connally, Fitzpatrick, French, Greever, Johnson, Lackland, Patterson, Perrin, Pridemore, Taylor of Loudoun, and Terry—18.

The title was then agreed to.

No. 20, Senate bill to provide for a re-division of the county of Fairfax into townships, was read the third time and passed with its title.

Ordered, That the clerk inform the house of delegates of the passage of said bills, and request their concurrence therein.

No. 32, Senate bill to amend and re-enact section 61 of an act approved April 5, 1872, imposing taxes for support of the government and free schools, and to pay the interest on the public debt, was read the third time, and passed with its title.

No. 38, Senate bill to amend and re-enact section 40, chapter 49 of the Code of Virginia, 1860, in regard to judgments by motion against officers and their sureties, was taken up, read the third time, and passed with its title.

Ordered, That the clerk inform the house of delegates of the passage of said bill, and request their concurrence therein.

No. 32, House bill to repeal an act entitled an act to provide for the payment of interest on the public debt, in force March 19, 1872, was taken up, on motion of Mr. Cochran, and read the third time; and the question on the passage thereof being put, was determined in the affirmative—ayes 16, noes 14.

On motion of Mr. Penn, the vote was recorded as follows:

Ayes—Messrs. Cochran, Fitzpatrick, French, Graham, Greene, Greever, Johnson, Lackland, Norton, Nowlin, Pridemore, Quesenberry, Roller, Rue, Smith, and Ward—16.

Noes—Messrs. Anderson of Pittsylvania, Beazley, Connally, Holladay, Kirkpatrick, Martin, Meem, Penn, Perrin, Taylor of Loudoun, Taylor of Norfolk city, Terry, Thomas, and Wynne—14.

On motion of Mr. Cochran (the rule requiring house bills to remain under control of the senate for two days being suspended therefor), it was

Ordered, That the clerk inform the house of delegates of the passage of said bill.

No. 3, House bill for the relief of William M. Buck was taken up, and the question being put on the adoption of the amendments proposed by the committee on finance, was determined in the affirmative. The bill was read the third time, and the question on the passage thereof being put, was determined in the affirmative—ayes 27, noes 1.

The vote was recorded as follows:

Ayes—Messrs. Anderson of Pittsylvania, Beazley, Cochran, Connally, Fitzpatrick, Greene, Greever, Holladay, Johnson, Lackland,

Lewis, Martin, Meem, Norton, Nowlin, Patterson, Penn, Perrin, Quesenberry, Rue, Stevens, Taylor of Loudoun, Taylor of Norfolk city, Terry, Thomas, Ward, and Wynne—27.

No—Mr. Pridemore—1.

Ordered, That the clerk inform the house of delegates thereof.

No. 2, House bill for the relief of G. Guvernator, C. Wendlinger, and E. Lohman, securities of Fernando King, late sheriff of Surry county, was read the third time; and the question on the passage thereof was determined in the affirmative—ayes 27, noes 3.

The vote was recorded as follows:

Ayes—Messrs. Anderson of Pittsylvania, Beazley, Connally, Fitzpatrick, Graham, Greene, Greever, Holladay, Johnson, Lackland, Lewis, Meem, Norton, Nowlin, Nutting, Patterson, Penn, Perrin, Quesenberry, Rue, Stevens, Taylor of Loudoun, Taylor of Norfolk city, Terry, Thomas, Ward, and Wynne—27.

Noes—Messrs. French, Kirkpatrick, and Pridemore—3.

Ordered, That the clerk inform the house of delegates thereof.

No. 11, House bill to repeal an act authorizing the supervisors of certain counties to impose a tax on dogs was read the third time, and the question being put on the passage of the same, was determined in the affirmative—ayes 29, noes 3.

On motion of Mr. Lackland, the vote was recorded as follows:

Ayes—Messrs. Anderson of Pittsylvania, Anderson of Rockbridge, Beazley, Cochran, Connally, Fitzpatrick, French, Graham, Greene, Greever, Holladay, Hundley, Johnson, Kirkpatrick, Lackland, Lewis, Meem, Norton, Nowlin, Nutting, Patterson, Penn, Pridemore, Quesenberry, Rue, Smith, Stevens, Taylor of Loudoun, and Thomas—29.

Noes—Messrs. Terry, Ward, and Wynne—3.

Ordered, That the clerk inform the house of delegates thereof.

No. 6, House bill to authorize and empower the council of the city of Richmond to increase the salaries of the judges of the circuit, chancery, and hustings courts of said city, with the amendments proposed by the committee for courts of justice, was taken up—when,

On motion of Mr. Quesenberry, the said bill was laid on the table.

A message was received from the house of delegates by Mr. Clopton, who informed the senate that the house had passed a joint resolution for a recess of the general assembly; which, on motion of Mr. Cochran, was taken up, and read as follows:

Resolved by the house of delegates (the senate concurring), That when the two houses of the general assembly adjourn on Saturday, 21st instant, they take a recess until Thursday, the 2nd day of January next.

A motion was made by Mr. Cochran to amend the said resolution by striking out the words and figures “Saturday, 21st instant;” and the question being put thereon, was determined in the negative—ayes 16, noes 20.

On motion of Mr. Cochran, the vote was recorded as follows:

Ayes—Messrs. Anderson of Pittsylvania, Anderson of Rockbridge, Beazley, Cochran, French, Greever, Holladay, Hundley, Nowlin, Pridge-

more, Quesenberry, Roller, Smith, Stevens, Taylor of Loudoun, and Ward—16.

Noes—Messrs. Connally, Fitzpatrick, Graham, Greene, Johnson, Kirkpatrick, Lackland, Lewis, Martin, Meem, Norton, Nutting, Patterson, Penn, Perrin, Rue, Taylor of Norfolk city, Terry, Thomas, and Wynne—20.

Mr. Nowlin moved to amend the resolution by striking out the words “Thursday, the 2nd day of January next,” and inserting in lieu thereof the words “Monday, the 30th instant;” and the question on agreeing thereto being put, was determined in the negative.

Mr. Nowlin then made a motion to amend the resolution from the house by striking out the words “Thursday, the 22d day of January next,” and inserting in lieu thereof the words “Tuesday, the 31st instant.”

On this proposition Mr. Penn demanded a division of the question, and being put on the first member thereof, viz: to strike out, &c., was determined in the negative—ayes 14, noes 21.

On motion of Mr. Nowlin, the vote was recorded as follows:

Ayes—Messrs. Anderson of Pittsylvania, Cochran, French, Greever, Holladay, Hundley, Kirkpatrick, Martin, Nowlin, Pridemore Roller, Smith, Taylor of Loudoun, and Ward—14.

Noes—Messrs. Anderson of Rockbridge, Beazley, Connally, Fitzpatrick, Graham, Greene, Johnson, Lackland, Lewis, Meem, Norton, Nutting, Penn, Perrin, Quesenberry, Rue, Stevens, Taylor of Norfolk city, Terry, Thomas, and Wynne—21.

A motion was made by Mr. Pridemore to amend the said resolution by striking out “Thursday, the 2nd day of January next,” and inserting “Saturday, the 28th instant.” Thereupon,

Mr. Hundley made an unsuccessful motion to adjourn.

The question recurring on the adoption of the amendment proposed by Mr. Pridemore, and being put thereon, was determined in the negative—ayes 13, noes 22.

On motion of Mr. Pridemore, the vote was recorded as follows:

Ayes—Messrs. Anderson of Pittsylvania, Anderson of Rockbridge, Cochran, Greever, Herndon, Holladay, Hundley, Nowlin, Pridemore, Roller, Smith, Taylor of Loudoun, and Ward—13.

Noes—Messrs. Beazley, Connally, Fitzpatrick, Graham, Greene, Johnson, Kirkpatrick, Lackland, Lewis, Martin, Meem, Norton, Nutting, Penn, Perrin, Quesenberry, Rue, Stevens, Taylor of Norfolk city, Terry, Thomas, and Wynne—22.

The question recurring on the adoption of the resolution from the house of delegates, Mr. Hundley demanded the pending question, which was ordered, and being put, was determined in the affirmative—ayes 22, noes 12.

On motion of Mr. Pridemore, the vote was recorded as follows:

Ayes—Messrs. Beazley, Connally, Fitzpatrick, Graham, Greene, Herndon, Hundley, Johnson, Kirkpatrick, Lewis, Martin, Meem, Norton, Nutting, Penn, Perrin, Rue, Stevens, Taylor of Norfolk city, Terry, Thomas, and Wynne—22.

Noes—Messrs. Anderson of Rockbridge, Cochran, Greever, Holladay, Lackland, Nowlin, Pridemore, Quesenberry, Roller, Smith, Taylor of Loudoun, and Ward—12.

On motion of Mr. Connally, it was

Ordered, That he inform the house of delegates thereof.

On motion of Mr. Stevens, the senate adjourned until to-morrow, twelve o'clock.

TUESDAY, DECEMBER 17, 1872.

Prayer by Rev. Dr. Burrows.

A communication from the house of delegates, by their clerk, was read as follows:

In the House of Delegates, December 16, 1872.

The house of delegates have passed senate bill entitled an act authorizing the formation of a sub-school district in Mount Gilead and Jefferson townships, in the county of Loudoun, and to provide for the erection of school buildings in the same, No 22. They have passed senate bill entitled an act declaring valid, decrees made in vacation by consent of parties, No. 9, with amendments; and have passed house bill entitled an act to amend and re-enact section 1 of chapter 120 of the Code (edition of 1860), in reference to notaries public, No. 17; in which amendments and bill they respectfully request the concurrence of the senate.

No. 9, Senate bill entitled an act declaring valid decrees made in vacation by consent of parties, with the amendments proposed by the house of delegates, was taken up, and, on motion of Mr. Grimsley, the said amendments were amended by adding as section 2 of the amendments the following:

“Be it further enacted, that decrees heretofore rendered in vacation by consent in the manner mentioned in the foregoing section shall be and are hereby declared to be valid in law.”

On his further motion, the amendment of the house to the title of the bill was amended by adding the words “and to validate decrees heretofore rendered in vacation.”

On motion of Mr. Herndon, it was

Ordered, That Mr. Grimsley inform the house of delegates thereof, and request their concurrence in said amendment.

No. 17, House bill to amend and re-enact section 1 of chapter 120 of the Code (edition of 1860), in reference to notaries public, was taken up, read twice and referred to the committee for courts of justice.

Mr. Herndon, from the committee for courts of justice, reported without amendment,

No. 18, House bill entitled an act to amend and re-enact the 20th and 21st sections of chapter 201 of the Code of Virginia (edition of 1860), relative to the appointment of conservators of the peace for wa-

tering places, for the University of Virginia, and for incorporated colleges ; which was subsequently taken up, read the third time, and passed with its title.

Ordered, That the clerk inform the house of delegates thereof.

He, from the same committee, reported without amendment,

No. 50, Senate bill to amend and re-enact section 33 of chapter 162 of the Code of 1860, in regard to juries generally, and the pay of jurors.

Mr. Taylor of Norfolk city, from the committee on roads and internal navigation, reported with amendments,

No. 40, Senate bill authorizing the qualified voters of Halifax county to vote on the question of the purchase of the toll-bridge at South Boston, in that county, in order to make it a free bridge.

Mr. Thomas, from the committee on finance, reported without amendment,

No. 41, Senate bill to provide for the collection of the revenue of the city of Norfolk for the year 1872.

Mr. Quesenberry, by leave, presented

No. 61, A bill to authorize the supervisors of Caroline county to grant a lot of land in the town of Port Royal to the Baptist church; which, on his motion, was read the first, and ordered to be read a second time, and referred to a committee for courts of justice.

On motion of Mr. Lackland,

Resolved, That the committee on amendments to the constitution be instructed to enquire into the expediency of dividing the state into five sections for the election of judges of the supreme court of appeals, and of restoring to the people the right, in all cases, to elect the judiciary of the commonwealth.

Mr. Hundley, by leave, presented

No. 62, A bill to provide for the publication of the laws of the commonwealth in the newspapers published in this state immediately after their passage; which, on his motion, was read the first and ordered to be read a second time, and referred to the committee for courts of justice.

No. 43, Senate bill to exempt citizens of Tangier, Syxe's, and Chincoteague islands from jury service, was taken up, read the first, and ordered to be read a second time.

No. 48, Senate bill to amend section 2nd of an act approved March 13th, 1872, prescribing the duties and compensation of county officers, was taken up, read the first, and ordered to be read a second time.

No. 49, Senate bill to amend and re-enact the 75th section of an act approved March 19th, 1870, in relation to the duties and compensation of certain township officers, was taken up, read the first and ordered to be read a second time.

No. 52, Senate bill to repeal section 5 of chapter 141 of the Code of 1860, and to revive, amend, and re-enact section 11 of said chapter, in relation to interest, was taken up, read the first, and ordered to be read a second time.

No. 1, Senate bill to amend and re-enact an act entitled an act in relation to the interest on money, approved March 15th, 1870, so as to provide that six per cent. shall be the legal rate of interest, was taken up

and read the second time; and, on motion of Mr. Taylor of Loudoun, was laid on the table, and the substitute proposed by the committee for courts of justice was ordered to be printed.

A motion was made by Mr. Hundley to make the said bill the order of the day for to-morrow, at one o'clock; and by Mr. Herndon to amend that proposition by striking out the words "for to-morrow at one o'clock," and inserting in lieu thereof the words "Tuesday, the 7th of January next;" and the question on agreeing to the said amendment being put, was determined in the affirmative—ayes 26, noes 8.

On motion of Mr. Hundley, the vote was recorded as follows:

Ayes—Messrs. Anderson of Pittsylvania, Anderson of Rockbridge, Beazley, Boykin, Graham, Greene, Grimsley, Herndon, Johnson, Kirkpatrick, Lackland, Lewis, Martin, Massey, Meem, Norton, Nowlin, Nutting, Penn, Perrin, Pridemore, Rue, Taylor of Loudoun, Taylor of Norfolk city, Terry, and Thomas—26.

Noes—Messrs. Fitzpatrick, Greever, Hundley, Patterson, Quesenberry, Roller, Smith, and Ward—8.

The motion as amended was then agreed to.

A message was received from the house of delegates by Mr. Neale, who informed the Senate that that house had passed a bill entitled an act to incorporate the Alexandria infirmary, No. 33; which, on motion of Mr. Thomas, was taken up, read twice, and, on his further motion, the rule being suspended therefor, was read the third time and passed with its title.

On motion of Mr. Thomas, it was

Ordered, That the clerk communicate the passage of the bill to the house of delegates to-morrow.

No. 42, Senate bill in relation to the taking of acknowledgments by clerks of county courts was taken up, read the second, and ordered to be engrossed and read the third time.

No. 55, Senate bill repealing the act in force March 7th, 1872, declaring what shall be received in payment of taxes or other demands of the state, was taken up, read the second, and ordered to be engrossed and read the third time.

No. 56, Senate bill to prohibit officers charged with the collection of the revenue of this state, or in any manner connected therewith, from using the public moneys for purposes of speculation, and to provide suitable punishment therefor, was taken up, read the second time, and, on motion of Mr. Nowlin, laid on the table.

No. 2, Senate bill to amend and re-enact an act entitled an act providing for the re-assessment of lands in the commonwealth, passed February 1st, 1872, so as to enable those counties in the state which failed to avail themselves of the provisions of said act to do so. was taken up, read the second time, and the question being on the amendments proposed by the committee on finance, on motion of Mr. Taylor of Loudoun, the bill was laid on the table on division—ayes 20, noes 9.

No. 23, Senate bill directing the sale of real estate purchased by the commonwealth for taxes previous to the 17th day of April, 1861, was

taken up, read the second, and ordered to be engrossed and read the third time.

No. 36, Senate bill to amend and re-enact an act entitled an act for the relief of the late sheriffs of the commonwealth, was taken up, read the second time, and the question on ordering the bill to its engrossment and third reading, being put, was determined in the negative—ayes 5, noes 26.

On motion of Mr. Lackland, the vote was recorded as follows:

Ayes—Messrs. Beazley, Grimsley, Nowlin, Roller, and Taylor of Loudoun—5.

Noes—Messrs. Anderson of Rockbridge, Cochran, Connally, French, Greene, Greever, Herndon, Hundley, Johnson, Kirkpatrick, Lackland, Lewis, Martin, Massey, Meem, Norton, Patterson, Penn, Perrin, Pridermore, Rue, Smith, Stevens, Taylor of Norfolk city, Thomas, and Ward—26.

Therefore,

Resolved, That the bill be rejected.

On motion of Mr. Ward, it was

Ordered, That the clerk communicate to the house of delegates to-morrow all house bills and joint resolutions which have passed and still remain under the control of the senate.

No. 44, Senate bill to extend the time within which the assessors of Amelia county, appointed under an act for the re-assessment of lands in the commonwealth, in force February 1st, 1872, may return copies of their assessment, was taken up, read the second, and ordered to be engrossed and read the third time.

Mr. Cochran presented the petition of the board of supervisors of Augusta county for equalization of taxes or re-assessment of lands in the county of Augusta; which, on his motion, was referred to the committee on finance.

No. 11, Senate bill to amend and re-enact an act continuing the payment of interest and dividends to the incorporated colleges or other seminaries of learning in the state, approved March 20th, 1872, was taken up, and the question being on agreeing to the amendment proposed by the committee on finance,

On motion of Mr. Lackland, the senate adjourned until to-morrow, twelve o'clock.

WEDNESDAY, DECEMBER 18, 1872.

Mr. Quesenberry in the chair.

Prayer by Rev. Dr. Burrows.

A communication from the house of delegates, by their clerk, was read as follows:

In House of Delegates, December 17, 1872.

The house of delegates have passed senate bills entitled an act authorizing the Old Dominion coal company to construct a railroad from their coal mines in Powhatan county to James river, No. 15; an act to

amend and re-enact sections 3, 4, and 6 of chapter 144 of the Code of Virginia (1860), in reference to the protest of notes No. 18; and an act declaring valid the assessment of real estate and the collection of taxes on the same under the act in force January 24, 1872, No. 30; and have passed house bills entitled an act to sell the lands in the county of Accomac, granted by Samuel Sanford, and apply the proceeds to free school purposes, No. 27; and an act to amend and re-enact section 4, chapter 108 of the Code of Virginia of 1860, as amended by an act approved May 19, 1870, in relation to marriages, births, and deaths No. 28; in which bills they respectfully request the concurrence of the senate.

No. 27, House bill entitled an act to sell the lands in the county of Accomac, donated by Samuel Sanford, and apply the proceeds to free school purposes, was taken up, read twice, and.

On motion of Mr. Johnson, the rule requiring the commitment of the same being suspended, was read the third time and passed with its title.

Ordered, That the clerk inform the house of delegates thereof.

No. 28, House bill entitled an act to amend and re-enact section 4, chapter 108 of the Code of Virginia of 1860, as amended by an act approved May 19, 1870, in relation to marriages, births, and deaths, was taken up, read twice, and referred to the committee for courts of justice.

Mr. Fitzpatrick, from the committee on general laws, reported with an amendment,

No. 21, House bill entitled an act to incorporate the town of Martinsville, in the county of Henry.

He, from the same committee, reported with an amendment,

No. 20, House bill entitled an act to incorporate the town of Covington, in the county of Alleghany.

He, from the same committee, reported without amendment,

No. 22, House bill entitled an act to declare New river from the county line between Giles and Pulaski counties to the county line between Giles and Mercer counties a lawful fence.

And he, from the same committee, reported without amendment,

No. 19, House bill entitled an act repealing the act passed March 28, 1871, declaring Smith's river, in the county of Henry, a lawful fence.

Mr. Taylor of Loudoun, by leave, presented

No. 63, A bill to provide for a board of equalization; which, on his motion, was read the first, and ordered to be read a second time, and referred to the committee on finance.

Mr. Ward, by leave, presented

A petition requesting that the law of the Code requiring millers to grind grain into flour for family use for toll be so amended as will secure to the public the benefits intended thereby to be conferred, and to prevent in the future violations of the law; which, on his motion, was referred to the committee on general laws.

Mr. Anderson of Pittsylvania, by leave, presented

No. 64, A bill to declare all domesticated animals and birds personal property; which, on his motion, was read the first, and ordered to be read a second time, and referred to the committee for courts of justice.

Mr. Hundley, by leave, presented

The petition of the school board of Buckingham county, asking that that county be included in the list of counties in which dogs are taxed for the benefit of free schools; which, on his motion, was referred to the committee on general laws.

Mr. Lackland, by leave, presented

The petition of Henry Aunspaugh and 63 other citizens of Fincastle, praying for an amendment to the charter of said town; which, on his motion, was referred to the committee on general laws.

Mr. Taylor of Norfolk city, by leave, presented

No. 65, A bill in relation to the Norfolk and southern railroad company; which, on his motion, was read the first, and ordered to be read a second time, and referred to the committee on roads and internal navigation.

On motion of Mr. Nowlin,

Resolved, That the committee for courts of justice enquire into the expediency of employing a reporter for the senate, who shall be charged with the duty of furnishing an official report of the proceedings, including the substance of the debates.

Mr. Grimsley, by leave, presented

No. 66, A bill for the protection of bailees for reward and compensation; which, on his motion, was read the first, and ordered to be read a second time, and referred to the committee for courts of justice.

Mr. Johnson, by leave, presented

The petition of citizens of Northampton county, Virginia, with reference to the occupancy of oyster beds in Cherrystone creek, &c.; which, on his motion, was referred to the committee on general laws.

No. 11, Senate bill to amend and re-enact an act continuing the payment of interest and dividends to the incorporated colleges or other seminaries of learning in the state, approved March 20, 1872, being the unfinished business of yesterday, was taken up.

The pending question being on agreeing to the amendment proposed by the committee on finance,

Mr. Lackland made an unsuccessful motion to lay the bill on the table; thereupon he moved that it be made the order of the day for to-morrow; and the question being put thereon, was determined in the negative.

The question recurring on agreeing to the amendment proposed by the committee on finance,

Mr. Penn offered as a substitute for the committee's amendment the following: insert after the word "accrued," in the 5th line of 1st amended section of the bill, the words "since January 1st, 1872," and by inserting after the word "accrue," in 6th line of same section, the words "to the date of January 1st, 1873."

On this proposition Mr. Taylor of Loudoun demanded the pending question, which was ordered; and the question on agreeing to the substitute being put, was determined in the affirmative—ayes 20, noes 9.

On motion of Mr. Penn, the vote was recorded as follows:

Ayes—Messrs. Anderson of Pittsylvania, Beazley, Fitzpatrick, Greene, Greever, Grimsley, Hundley, Johnson, Lackland, Martin,

Meem, Norton, Nowlin, Penn, Quesenberry, Robinson, Roller, Rue, Ward, and Wynne—20.

Noes—Messrs. Anderson of Rockbridge, Boykin, Herndon, Kirkpatrick, Lewis, Perrin, Taylor of Loudoun, Taylor of Norfolk city, and Terry—9.

The amendment as amended was then agreed to.

On motion of Mr. Penn, the bill was further amended by inserting the same words after the word “accrued,” in the 21st line, and the word “accrue,” in the 22d line.

Mr. Nowlin moved further to amend the same section by inserting after the word “for,” in the 5th line, the words “two-thirds of;” and on this proposition Mr. Greene demanded the pending question; which was ordered, and being put, was determined in the affirmative—ayes 16, noes 13.

On motion of Mr. Nowlin, the vote was recorded as follows:

Ayes—Messrs. Boykin, Grimsley, Herndon, Hundley, Johnson, Lackland, Lewis, Martin, Meem, Nowlin, Perrin, Robinson, Taylor of Loudoun, Taylor of Norfolk city, Terry, and Ward—16.

Noes—Messrs. Anderson of Pittsylvania, Anderson of Rockbridge, Beazley, Fitzpatrick, Greene, Greever, Kirkpatrick, Norton, Penn, Quesenberry, Roller, Rue, and Wynne—13.

On motion of Mr. Fitzpatrick, the same section was amended by striking out, in the 2d and 3d lines, the words “until otherwise ordered;” thereupon

Mr. Anderson of Rockbridge offered a substitute for the bill as amended; and the question being on the adoption of the substitute,

Mr. Johnson demanded the pending question; which was ordered, and being put, was determined in the negative—ayes 4, noes 21.

On motion of Mr. Penn, the vote was recorded as follows:

Ayes—Messrs. Anderson of Pittsylvania, Anderson of Rockbridge, Beazley, and Quesenberry—4.

Noes—Messrs. Boykin, Fitzpatrick, Greever, Herndon, Hundley, Johnson, Lackland, Lewis, Martin, Meem, Norton, Nowlin, Patterson, Penn, Perrin, Robinson, Rue, Taylor of Loudoun, Terry, Ward, and Wynne—21.

Mr. Nowlin moved further to amend the bill by inserting after the word “for,” in the 21st line, the words “two-thirds of.”

Mr. Penn moved to amend the amendment by inserting after the word “institute,” in the 25th line, the words “except that the full amount due on the 1st July, 1872, shall be paid;” and the question being put thereon, was determined in the affirmative, and the amendment as amended was then agreed to; thereupon

Mr. Roller moved that the senate do now adjourn; and the question being put thereon, was determined in the affirmative—ayes 17, noes 10.

On motion of Mr. Taylor of Loudoun, the vote was recorded as follows:

Ayes—Messrs. Anderson of Rockbridge, Beazley, Boykin, Greever, Grimsley, Herndon, Hundley, Johnson, Kirkpatrick, Lackland, Lewis, Martin, Norton, Patterson, Perrin, Roller, and Wynne—17.

Noes—Messrs. Anderson of Pittsylvania, Fitzpatrick, Meem, Penn, Robinson, Rue, Stevens, Taylor of Loudoun, Terry, and Ward—10.
The senate adjourned until to-morrow, twelve o'clock.

THURSDAY, DECEMBER 19, 1872.

Prayer by Rev. Dr. Burrows.

A communication from the house of delegates, by their clerk, was read as follows:

In House of Delegates, December 18, 1872.

The house of delegates have passed senate bill entitled an act to provide for a re-division of the county of Fairfax into townships, No. 20; and have agreed to the amendments of the senate to house bill entitled an act for the relief of William M. Buck, No. 3.

They have agreed to house joint resolutions entitled joint resolutions extending the time for the collection of taxes and county and township levies in the commonwealth for the year 1872, No. 29; and joint resolutions in relation to the James river and Kanawha canal, No. 30; and have passed house bill entitled an act to declare Banister river, in the county of Pittsylvania, a lawful fence, No. 34; in which joint resolutions and bill they respectfully request the concurrence of the senate.

No. 29, House joint resolution extending the time for the collection of taxes and county and township levies in the commonwealth for the year eighteen hundred and se-~~enty~~-two was taken up, read twice, and referred to the committee on finance.

No. 30, House joint resolutions in relation to the James river and Kanawha canal were taken up, read twice, and,

On motion of Mr. Fitzpatrick, the rule requiring the commitment of the same being suspended, were read the third time and agreed to.

Ordered, That the clerk inform the house of delegates thereof.

No. 34, House bill entitled an act to declare Banister river, in the county of Pittsylvania, a lawful fence, was read the first and second times, and,

On motion of Mr. Anderson of Pittsylvania, the rule requiring the commitment of the same being suspended, was read the third time and passed with its title.

Ordered, That the clerk inform the house of delegates thereof.

Mr. Nowlin, by leave, presented

No. 67, A bill to repeal chapter 245 of the Acts of 1871-72, entitled an act to amend and re-enact an act continuing the payment of interest and dividends to incorporated colleges or other seminaries of learning in the state, approved January 18, 1872; which, on his motion, was read the first, and ordered to be read a second time.

Mr. Cochran, by leave, presented

No. 68, A bill to amend the first section of an act entitled an act to amend an act to incorporate the Valley railroad company, passed March 1, 1867; which, on his motion, was read the first, and ordered to

be read a second time, and referred to the committee on roads and internal navigation.

Mr. Anderson of Pittsylvania, by leave, presented

No. 69, A bill relating to the public printing, and defining the duties of the superintendent of public printing; which, on his motion, was read the first, and ordered to be read a second time, and referred to the joint committee on printing.

Mr. Nowlin, by leave, presented

No. 70, A bill to repeal chapter 256 of the Acts 1870-71, entitled an act to amend and re-enact sections 6, 8, 14, and 15; and to repeal sections 7, 16, 17, and 18 of chapter 150 of the Code of Virginia (edition of 1860), concerning warrants for small claims; and to revive, amend and re-enact sections 6, 7, 8, 14, 15, 16, 17, and 18 of chapter 150 of the Code of Virginia; which, on his motion, was read the first, and ordered to be read a second time, and referred to the committee for courts of justice.

Mr. Roller, by leave, presented

No. 71, A bill for the relief of Joseph Crane, Jr., of the county of Page; which, on his motion, was read the first, and ordered to be read a second time, and referred to the committee on finance.

No. 11, Senate bill to amend and re-enact an act continuing the payment of interest and dividends to the incorporated colleges or other seminaries of learning in the state, approved March 20, 1872, being the unfinished business of yesterday, was taken up; and the pending question being on ordering the bill as amended to its engrossment and third reading,

On motion of Mr. Kirkpatrick, the bill was further amended by striking out, in the 7th line of 1st amended section, the words "of the James river and Kanawha company."

Mr. Kirkpatrick moved to lay the bill on the table; and the question being put thereon, was determined in the negative—ayes 10, noes 124.

On motion of Mr. Taylor of Loudoun, the vote was recorded as follows:

Ayes—Messrs. Anderson of Rockbridge, Beazley, Cochran, Connally, Grimsley, Johnson, Kirkpatrick, Martin, Quesenberry, and Roller—10.

Noes—Messrs. Boykin, Fitzpatrick, Graham, Greene, Hundley, Lackland, Nowlin, Nutting, Patterson, Perrin, Rue, Taylor of Loudoun, Terry, and Ward—14.

The question recurring on the engrossment of the bill,

Mr. Penn moved that the bill be laid on the table and made the order of the day for the 6th of January next; and the question being put thereon, was determined in the affirmative—ayes 18, noes 10.

On motion of Mr. Nowlin, the vote was recorded as follows:

Ayes—Messrs. Anderson of Pittsylvania, Anderson of Rockbridge, Beazley, Cochran, Connally, Graham, Greene, Grimsley, Holladay, Johnson, Kirkpatrick, Martin, Nutting, Patterson, Penn, Quesenberry, Robinson, and Roller—18.

Noes—Messrs. Boykin, Fitzpatrick, Hundley, Lackland, Nowlin,

Perrin, Rue, Taylor of Loudoun, Terry, and Ward—10.

No. 42, Senate bill in relation to the taking of acknowledgments by clerks of county courts was taken up, read the third time and passed with its title.

Ordered, That the clerk inform the house of delegates thereof, and request their concurrence therein.

No. 55, Senate bill repealing the act in force March 7th, 1872, declaring what shall be received in payment of taxes or other demands of the state, was taken up and read the third time, and, on motion of Mr. Cochran, laid on the table.

No. 23, Senate bill directing the sale of real estate purchased by the commonwealth for taxes previous to the 17th day of April, 1861, was taken up, read the third time, and, on motion of Roller, laid on the table.

No. 44, Senate bill to extend the time within which the assessors of Amelia county appointed under an act for the re-assessment of lands in the commonwealth, in force February 1st, 1872, may return copies of their assessments, was taken up, read the third time and passed with its title.

Ordered, That the clerk inform the house of delegates and request their concurrence therein.

No. 19, House bill entitled an act repealing the act passed March 28th, 1871, declaring Smith's river, in the county of Henry, a lawful fence, was taken up, read the third time and passed with its title.

On motion of Mr. Lackland, it was

Ordered, That he inform the house of delegates thereof.

No. 20, House bill entitled an act to incorporate the town of Covington, in the county of Alleghany, was taken up, and the amendment proposed by the committee on general laws was agreed to, and the bill as amended was read the third time and passed with its title.

On motion of Mr. Lackland, it was

Ordered, That he inform the house of delegates thereof, and request their concurring in the amendment.

No. 21, House bill entitled an act to incorporate the town of Martinsville, in the county of Henry, was taken up, and the amendment proposed by the committee on general laws was agreed to, and the bill as amended was read the third time and passed with its title.

On motion of Mr. Nowlin, it was

Ordered, That he inform the house of delegates thereof and request their concurrence in the amendment.

No. 22, House bill entitled an act to declare New river from the county line between Giles and Pulaski counties to the county line between Giles and Mercer counties a lawful fence, was taken up, read the third time, and passed with its title.

On motion of Mr. Nowlin,

Ordered, That he inform the house of delegates thereof.

A message was received from the house of delegates by Mr. Lovenstein, who informed the senate that that house had agreed to a joint resolution fixing January 4th, 1873, at one o'clock P. M., for the election

of a county judge for Northampton.

The resolution was subsequently taken up, and, on motion of Mr. Johnson, amended by striking out the words "Saturday, 4th," and inserting in lieu thereof the words "Monday, 6th;" and the resolution as amended was then agreed to.

On motion of Mr. Johnson, it was

Ordered, That he inform the house of delegates thereof and request their concurrence in the amendment.

A message was received from the house of delegates by Mr. Bagwell, who informed the senate that that house had passed the following bills:

No. 16, House bill entitled an act to amend and re-enact an act entitled an act to amend and re-enact an act entitled an act for the relief of the late sheriffs of the commonwealth, approved February 21st, 1872.

No. 35, House bill entitled an act releasing the Bank of Danville from the payment of its notes upon certain conditions; and

No. 36, House bill entitled an act to extend the time within which Spencer D. Fletcher, late sheriff of Accomac county, may collect the taxes for the years 1867 and 1868.

Mr. Herndon, by leave, presented

No. 72, A bill to provide for the publication of a new edition of the Code of Virginia; which, on his motion, was read the first, and ordered to be read a second time, and referred to the committee on general laws.

No. 16. House bill entitled an act to amend and re-enact an act entitled an act to amend and re-enact an act entitled an act for the relief of the late sheriffs of the commonwealth, approved February 21st, 1872, was taken up, twice read, and referred to the committee on finance.

No. 35, House bill entitled an act releasing the Bank of Danville from the payment of its notes upon certain conditions, was taken up, twice read, and referred to the committee on banks.

No. 36, House bill entitled an act to extend the time within which Spencer D. Fletcher, late sheriff of Accomac county, may collect the taxes for the year 1867 and 1868, was taken up, twice read, and referred to the committee on finance.

Mr. Terry offered the following joint resolution, which lies over under the rules:

Resolved, by the general assembly of Virginia, That the act approved March 20th, 1872, amending and re-enacting the act approved January 18, 1872, entitled an act continuing the payment of interest and dividends to the incorporated colleges or other seminaries of learning in the state, be and the same is hereby suspended for thirty days.

Mr. Terry moved to suspend the rules for the purpose of considering the resolution to-day; and on this proposition, Mr. Johnson demanded the pending question, which was ordered; and the question on the suspension of the rules being put, was determined in the affirmative—ayes 21, noes 11.

On motion of Mr. Quesenberry, the vote was recorded as follows:

Ayes—Messrs. Boykin, Fitzpatrick, Greene, Greever, Herndon, Hundley, Lackland, Lewis, Martin, Nowlin, Nutting, Patterson, Penn, Perrin, Robinson, Rue, Smith, Taylor of Loudoun, Terry, Ward, and

Wynne—21.

Noes—Messrs. Anderson of Pittsylvania, Beazley, Cochran, Connally, Grimsley, Holladay, Johnson, Kirkpatrick, Norton, Quesenberry, and Roller—11.

Thereupon

Mr. Connally moved to adjourn; and the question being put thereon, was determined in the negative—**ayes 12, noes 21.**

On motion of Mr. Taylor of Loudoun, the vote was recorded as follows:

Ayes—Messrs. Anderson of Rockbridge, Beazley, Connally, Graham, Greene, Grimsley, Holladay, Kirkpatrick, Norton, Nutting, Quesenberry, and Roller—12.

Noes—Messrs. Anderson of Pittsylvania, Boykin, Cochran, Fitzpatrick, Greever, Herndon, Hundley, Johnson, Lackland, Lewis, Martin, Nowlin, Patterson, Penn, Perrin, Robinson, Rue, Taylor of Loudoun, Terry, Ward, and Wynne—21.

The question recurring on agreeing to the resolution, Mr. Nowlin demanded the pending question; and, the question, "Shall the pending question be now put?" being put, was determined in the affirmative—**ayes 22, noes 9.**

On motion of Mr. Connally, the vote was recorded as follows:

Ayes—Messrs. Boykin, Fitzpatrick, Greene, Greever, Herndon, Hundley, Johnson, Lackland, Lewis, Martin, Norton, Nowlin, Patterson, Penn, Perrin, Robinson, Rue, Smith, Taylor of Loudoun, Terry, Ward, and Wynne—22.

Noes—Messrs. Anderson of Rockbridge, Beazley, Cochran, Connally, Graham, Grimsley, Holladay, Quesenberry, and Roller—9.

The question on agreeing to the resolution being put, was determined in the affirmative—**ayes 22, noes 12.**

On motion of Mr. Connally, the vote was recorded as follows:

Ayes—Messrs. Boykin, Fitzpatrick, Graham, Greever, Herndon, Hundley, Lackland, Lewis, Martin, Norton, Nowlin, Nutting, Patterson, Penn, Perrin, Robinson, Rue, Smith, Taylor of Loudoun, Terry, Ward, and Wynne—22.

Noes—Messrs. Anderson of Pittsylvania, Anderson of Rockbridge, Beazley, Cochran, Connally, Greene, Grimsley, Holladay, Johnson, Kirkpatrick, Quesenberry, and Roller—12.

On motion of Mr. Nowlin, the senate adjourned until to-morrow, twelve o'clock.

On motion of Mr. Terry, it was ordered

That he inform the house of delegates thereof and request their concurrence therein.

FRIDAY, DECEMBER 20, 1872.

Mr. Quesenberry in the chair.

Prayer by Rev. Dr. Burrows.

On motion of Mr. Nowlin,

Resolved, That when the senate adjourns to-day, it will adjourn to meet at eleven o'clock to-morrow.

Mr. Greene, by leave, presented

No. 73, A bill to amend and re-enact chapter 58 of the Code of Virginia (edition of 1860), so as to establish depositories of public money in the cities of Richmond, Petersburg, Norfolk, Lynchburg, and Alexandria; which, on his motion, was read the first, and ordered to be read a second time, and referred to the committee on finance.

Mr. Lackland, by leave, presented

No. 74, A bill declaring and prescribing what fees a justice of the peace may charge for services connected with the trial of warrants for small claims; which, on his motion, was read the first, and ordered to be read a second time, and referred to the committee for courts of justice.

No. 43, Senate bill to exempt citizens of Tangier, Syxe's, and Chincoteague islands from jury service, was taken up, on motion of Mr. Taylor of Loudoun, read the second, and ordered to be engrossed and read a third time.

On motion of Mr. Nowlin, Mr. Stevens was granted leave of absence for two days from yesterday.

On motion of Mr. Ward,

Resolved, That the Board of public works of Virginia be requested to furnish the senate committee for courts of justice certified copies of the bonds due by the Alexandria, Loudoun and Hampshire railroad company to the said board, for the state's interest in said road, and of a deed to Francis L. Smith, &c., in trust for the said board, dated 25th day of November, 1867, and of the proceedings of the stockholders accepting the provisions of the act of the general assembly, passed April 17th, 1867, entitled an act disposing of the state's interest in the Alexandria, Loudoun and Hampshire railroad, and any other papers connected therewith; and that the said committee be requested to examine the same in connection with the said act of general assembly, passed April 17th, 1867, and to report whether or no, in accordance with the proper legal construction of said trust and said act, taken in connection with the said company's failure to comply, as shown by the report of the said board recently made to the senate, the said Alexandria, Loudoun and Hampshire railroad company has not made such a forfeiture under the provisions of said deed of trust, or of the said act, as to give the said board the right to resume the absolute ownership, possession and control of the stock of the state in said road sold by said board as authorized by law, to the said company, and to hold the same as fully as if no such sale had been made; and that said committee, if in their opinion there has been such forfeiture upon the part of the said company, enquire into the expediency of directing the said Board of public works of Virginia to proceed at once to take the necessary steps to recover said stock.

On motion of Mr. Herndon, the senate resolved itself in executive session; and having dispatched the business before it, the doors were opened.

Ordered, That the following resolution, adopted by the senate in executive session, be entered on the journal, and that a copy thereof be transmitted to the Board of education:

Resolved, That the senate advise and confirm the nominations made by the Board of education of county superintendents of schools, viz:

B. B. Wilkes, for Brunswick county.

Dr. Henry Gresham, for Essex county.

Dr. P. J. Winn, for Fluvanna county.

W. A. Griffith, for Franklin county.

W. H. Gold, for Frederick county.

W. W. Ballard, for Roanoke county.

R. L. Cooper, for Stafford county.

Rev. J. S. Loose, for Rockingham county.

W. H. Briggs, for Greenesville and Sussex counties.

Richard S. Parks, for Page county.

No. 59, Senate bill to repeal section 4, chapter 79 Code of 1860, in relation to the literary fund, the annuity and duties of the University of Virginia, &c., was taken up, read the second time, and, on motion of Mr. Taylor of Loudoun, laid on the table.

No. 60, Senate bill to repeal sections 5, 13, and 20 of chapter 34 Code of 1860, in relation to the Virginia military institute, was taken up, read the second time, and, on motion of Mr. Herndon, laid on the table.

No. 50, Senate bill to amend and re-enact section 33 of chapter 162 of the Code of 1860, in regard to juries generally, and the pay of jurors, was taken up, read the second time, and, on motion of Mr. Nowlin, laid on the table.

No. 40, Senate bill to authorize the qualified voters of Halifax county to vote on the question of the purchase of the toll-bridge at South Boston, in that county, in order to make it a free bridge, was taken up; and the question being on agreeing to the amendments proposed by the committee on roads and internal navigation,

On motion of Mr. Grimsley, the bill was laid on the table.

No. 41, Senate bill to provide for the collection of the revenue of the city of Norfolk for the year 1872, was taken up, and read the second time—when

Mr. Taylor of Loudoun made an unsuccessful motion to lay the same on the table.

The bill was then ordered to be engrossed and read a third time.

No. 48, Senate bill to amend section 2nd of an act approved March 13th, 1872, prescribing the duties and compensation of county officers, was taken up, read the second, and ordered to be engrossed and read a third time.

No. 49, Senate bill to amend and re-enact the 75th section of an act approved March 19th, 1870, in relation to the duties and compensation of certain township officers, was taken up, read the second time, and, on motion of Mr. Lackland, laid on the table.

On motion of Mr. Penn,

Resolved, That the committee on privileges and elections enquire

what legislation is necessary and expedient in reference to the resignations of bonded officers, so as to prevent them from resigning in the midst of the discharge of their official duties.

On motion of Mr. Kirkpatrick,

Resolved, That the committee for courts of justice be requested to enquire and report what legislation is desirable to conform the laws of Virginia to the provisions of the bankrupt law of the United States.

On motion of Mr. Robinson,

Resolved, That the committee on finance enquire into the expediency of reporting a bill repealing so much of the Acts of 1871-2, as requires liquor merchants to pay a tax of five per centum on the gross amount of sales.

On motion of Mr. Robinson,

Resolved, That the committee for courts of justice be instructed to enquire into the expediency of reporting a bill so amending section 7, chapter 163, Code of 1860, as only to require sureties upon clerk's bonds to reside in the state, and also to reduce the penalties of such bonds to not less than three nor more than five thousand dollars.

Mr. Holladay, by leave, presented

No. 75, A bill to provide for the sale of land known as the armory grounds, belonging to the commonwealth of Virginia, in the city of Richmond; which, on his motion, was read the first, and ordered to be read a second time, and referred to the committee on finance.

Mr. Robinson, by leave, presented

No. 76, A bill in regard to weapons; which, on his motion, was read the first, and ordered to be read a second time, and referred to the committee for courts of justice.

On motion of Mr. Graham, the senate adjourned until to-morrow, at eleven o'clock.

SATURDAY, DECEMBER, 21st, 1872.

Mr. Quesenberry in the chair.

A communication from the house of delegates, by their clerk, was read as follows:

In the House of Delegates, December 20, 1872.

The house of delegates have agreed to the amendments of the senate to house bill entitled an act to incorporate the town of Martinsville, in the county of Henry, No. 21; and to house joint resolution fixing a day for the election of a county judge of Northampton.

They have passed senate bill entitled an act to amend and re-enact section 4 of chapter 186 of the Code of 1860, in relation to docketing judgments and other liens of a like nature, No. 8, with amendments; in which amendments they respectfully request the concurrence of the senate.

No. 8, Senate bill to amend and re-enact section 4 of chapter 186, of the Code of 1860, in relation to docketing judgments and other liens of a like nature, with the amendments proposed by the house of dele-

gates, was taken up; and, on motion of Mr. Taylor of Loudoun, referred to the committee for courts of justice.

Mr. Taylor of Loudoun offered the following resolution:

Resolved, That the committee for courts of justice be discharged from the consideration of a resolution adopted by the senate on the motion of the senator from Frederick, in reference to the bond given by the Alexandria, Loudoun and Hampshire railroad to the Board of public works, and that the same be referred to the attorney general, with the request to give his views on the subject matter therein contained, at his earliest convenience.

The question being on agreeing to the resolution,

Mr. Pridemore moved to lay the same on the table—pending which,

On motion of Mr. Connally, the senate adjourned until Thursday, 2d January, 1873, twelve o'clock.

THURSDAY, JANUARY 2, 1873.

Prayer by Rev. J. W. Jones.

On motion of Mr. Wynne,

Resolved, That the memorial of L. Von Buckholtz, in relation to the map of Virginia, be printed for the use of the senate and house of delegates.

The resolution discharging the committee for courts of justice from the further consideration of a resolution in reference to the bond given by the Alexandria, Loudoun and Hampshire railroad, &c., being the unfinished business of the 21st of December, was taken up, and the pending question being a motion to lay the resolution on the table, was put, and determined in the affirmative.

Mr. Hundley, by leave, presented

No. 77, A bill to amend and re-enact the 9th section of chapter 108 of the Code of 1860 in reference to marriages within prohibited degrees of relationship; which, on his motion, was read the first and ordered to be read a second time, and referred to the committee for courts of justice.

Mr. Wynne, by leave, presented

No. 78, A bill providing for the future extension of the corporate limits of the city of Richmond; which, on his motion, was read the first and ordered to be read a second time, and referred to the committee on general laws.

Mr. Lackland, by leave, presented

No. 79, A bill to provide for proving papers filed or recorded in the offices of the Board of public works and the Board of education; which, on his motion, was read the first and ordered to be read a second time, and referred to the committee for courts of justice.

No. 41, Senate bill to provide for the collection of the revenue of the city of Norfolk for the year 1872, was taken up, read the third time and passed with its title.

Ordered, That the clerk inform the house of delegates thereof and request their concurrence therein.

No. 43, Senate bill to exempt citizens of Tangier, Syxe's and Chincoteague Islands from jury service, was taken up, read the third time, and passed with its title.

Ordered, That the clerk inform the house of delegates thereof, and request their concurrence therein.

No. 48, Senate bill to amend section 2d of an act approved March 13th, 1872, prescribing the duties and compensation of county officers, was taken up, read the third time and passed with its title.

Ordered, That the clerk inform the house of delegates thereof and request their concurrence therein.

On motion of Mr. Lathrop,

Resolved, That the committee for courts of justice be instructed to enquire into the justice and expediency of so amending the Code as to allow to any person who has been tried and fully acquitted of a criminal charge, by any court in this commonwealth a reasonable allowance in money for the expense incurred by him or her in their defense; the amount of such allowance to be determined by the judge of the court of the county or corporation in which such cause was tried, and said allowance to be paid by the treasurer of the said county or corporation upon presentation of a certified copy by the clerk of such court, of the order of the court granting such allowance.

On motion of Mr. Graham,

Resolved, That the state treasurer be and he is hereby requested to furnish to each member of this body, at an early day, a statement of the aggregate amount of funds remaining in the state depositories at the end of each month for the year ending November 30th, 1872.

Mr. Greene offered the following preamble and resolution, which were agreed to :

Whereas it is believed by many of the good people of Virginia that the lottery offices or raffles conducted in this state under the name of "The Southern Association" are injurious and demoralizing; and whereas it is also believed that there should be more stringent laws for the suppression of all lotteries under whatever name or guise they may assume; therefore

Resolved, That the committee for courts of justice be instructed to enquire into the mode of conducting the raffles of "The Southern Association," and the so-called "Gift Concerts," and other lotteries now being publicly advertised in this state; and if in their judgment the public good shall require it, that they report the draft of a law that shall provide for the total suppression of all such lotteries in this commonwealth.

On motion of Mr. Nowlin, the senate adjourned until to-morrow, twelve o'clock.

FRIDAY, JANUARY 8, 1873.

The President laid before the senate a communication from the auditor of public accounts in response to a resolution of the senate asking to be informed what steps have been taken to enforce the fines prescribed by sec. 23rd of chap. 163 of the Code of Va., ed. 1860, against such clerks as have failed to furnish the clerk of the house of delegates with certain reports, &c.; which, on motion of Mr. Kirkpatrick, was referred to the committee for courts of justice.

Mr. Thomas, from the committee on finance, reported without amendment,

No. 36, House bill entitled an act to extend the time within which Spencer D. Fletcher, late sheriff of Accomac county, may collect the taxes for the years 1867 and 1868; which was subsequently taken up, and, on motion of Mr. Taylor of Loudoun, laid on the table.

Mr. Thomas, from the committee on finance, reported with amendment,

No. 75, Senate bill to provide for the sale of land known as the armory grounds, belonging to the commonwealth of Virginia, in the city of Richmond.

He, from the same committee, reported with the recommendation that it do not pass,

No. 39, Senate bill to amend and re-enact section 2 of an act approved May 18th, 1870, entitled an act fixing the salaries of the judges of the several courts of the commonwealth; which was subsequently taken up, read the second time, and on motion of Mr. Kirkpatrick, laid on the table.

He, from the same committee, reported without amendment,

No. 63, Senate bill, to provide for a board of equalization.

He, from the same committee, presented a report declaring it inexpedient to legislate on the subject of a resolution, as to the expediency of amending the act making certain banks in the city of Richmond depositaries of the public money, &c.

He, from the same committee, reported without amendment,

No. 8, House bill, entitled an act to provide artificial limbs for citizens of the commonwealth who lost their limbs during the war; which was subsequently taken up, and, on motion of Mr. Quesenberry, laid on the table.

He, from the same committee, reported without amendment,

No. 16, House bill entitled an act to amend and re-enact an act entitled an act to amend and re-enact an act entitled an act for the relief of the late sheriffs of the commonwealth, approved February 21st, 1872; which was subsequently taken up, and on motion of Mr. Cochran, laid on the table.

And he, from the same committee, reported without amendment,

No. 29, House joint resolution extending the time for the collection of taxes and county and township levies in the commonwealth for the year 1872; which was subsequently taken up, read the third time, and agreed to.

On motion of Mr. Nowlin,

Ordered, That he inform the house of delegates thereof.

Mr. Greever, by leave, presented,

No. 80, A bill to amend and re-enact the first section of an act entitled an act to amend and re-enact an act passed March 15th, 1849, entitled an act to extend the limits of, and provide for electing trustees for the town of Marion, in the county of Smyth, investing them with certain corporate powers; which, on his motion, was read the first, and ordered to be read a second time.

Mr. Boykin, by leave, presented

No. 81, A bill to amend and re-enact 2nd section of chapter 143 of the Code (edition of 1860), in relation to seals to instruments of writing; which, on his motion, was read the first, and ordered to be read a second time, and referred to the committee for courts of justice.

Mr. Boykin, by leave, presented

No. 82, A bill to provide for the assessment and collection of state taxes within the town of Suffolk, Nansemond county; which, on his motion, was referred to the committee on county, city and town organizations.

Mr. Boykin, by leave, presented

No. 83, A bill to amend and re-enact section 2 of an act passed March 3rd, 1866, entitled an act imposing a tax on oysters; which, on his motion, was read the first, and ordered to be read a second time, and referred to the committee for courts of justice.

Mr. Lackland, by leave, presented

No. 84, A bill to preserve all rights and remedies imperiled or destroyed by the loss or destruction, during the late war, of papers filed in the various public offices of the commonwealth; which, on his motion, was read the first, and ordered to be read a second time, and referred to the committee for courts of justice.

Mr. Thomas, by leave, presented

No. 85, A bill to incorporate the town of Potomac; which, on his motion, was read the first, and ordered to be read a second time, and referred to the committee on general laws.

Mr. Kirkpatrick, by leave, presented

No. 86, A bill so to amend and re-enact section 23, chapter 163 of the Code of Virginia (1860), as to provide for the enforcement of fines against delinquent clerks; which, on his motion, was read the first, and ordered to be read a second time, and referred to the committee for courts of justice.

Mr. Nowlin, by leave, presented

No. 87, A bill to authorize the board of supervisors for Wythe county to contract for keeping in repair certain public roads in said county; which, on his motion, was read the first, and ordered to be read a second time, and referred to the committee on roads and internal navigation.

On motion of Mr. Hundley,

Resolved, That the auditor of public accounts be requested to furnish the general assembly with a statement of the criminal charges paid out of the public treasury for each county in this state during the year 1872.

On motion of Mr. Boykin,

Resolved, That the committee for courts of justice enquire into the expediency of so amending the 14th section of chapter 130 of the Code of 1860, as amended by an act passed January 8th, 1866, as to provide for the protection of the rights of adult as well as infant children in the distribution of the estates of decedents.

No. 52, Senate bill to repeal section 5 of chapter 141 of the Code of 1860, and to revive, amend, and re-enact section 11 of said chapter in relation to interest, was taken up, read the second time, and, on motion of Mr. Lackland, laid on the table.

No. 67, Senate bill to repeal chapter 245 of the Acts of 1871-72, entitled an act to amend and re-enact an act continuing the payment of interest and dividends to incorporated colleges or other seminaries of learning in the state, approved January 18th, 1872, was taken up, read the second time, and, on motion of Mr. Thomas, laid on the table.

No. 63, Senate bill to provide for a board of equalization, was taken up, read the second time; and the question being on its engrossment and third reading, and pending which,

On motion of Mr. Quesenberry, the senate adjourned until to-morrow, twelve o'clock.

SATURDAY, JANUARY 4, 1873.

Prayer by Rev. Dr. J. L. M. Curry.

A communication from the house of delegates, by their clerk, was read as follows:

In House of Delegates, January 3, 1873.

The house of delegates has dismissed senate joint resolution suspending the payment of interest and dividends to the incorporated colleges and other seminaries of learning in the state.

They have agreed to house joint resolution in regard to the public debt, No. 40; and have passed house bills entitled an act to authorize the qualified voters of the county of Halifax to vote on the question of the purchase of the toll-bridge at South Boston, in that county, in order to make it a free-bridge, No. 38; an act to prohibit the voters within the corporate limits of the city of Lynchburg from voting for county officers for the county of Campbell, No. 39; an act to amend and re-enact the 15th section of chapter 182 of the Code of 1860, and the several acts amendatory thereof in relation to appeals, writs of error and supersedeas, No. 42; an act for the relief of Joseph T. Griffith and others, sureties of Charles A. Milton, late collector of Battletown township, county of Clarke, No. 46; an act to amend and re-enact the 5th section of an act to appropriate the income arising from the proceeds of the land scrip accruing to Virginia under act of congress of July 2d, 1862, and the acts amendatory thereof, approved March 19th, 1872, No. 47; and an act for the relief of Samuel R. Allabaugh, late

sheriff of Rockingham county, No. 49; in which joint resolution and bills they respectfully request the concurrence of the senate.

No. 38, House bill entitled an act to authorize the qualified voters of the county of Halifax to vote on the question of the purchase of the toll-bridge at South Boston, in that county, in order to make it a free-bridge, was taken up, twice read, and referred to the committee on general laws.

No. 39, House bill entitled an act to prohibit the voters within the corporate limits of the city of Lynchburg from voting for county officers for the county of Campbell, was taken up, twice read, and referred to the committee on privileges and elections.

No. 42, House bill entitled an act to amend and re-enact the 15th section of chapter 182 of the Code of 1860, and the several acts amendatory thereof in relation to appeals, writs of error and supersedeas, was taken up, twice read, and referred to the committee for courts of justice.

No. 46, House bill entitled an act for the relief of Joseph T. Griffith and others, sureties of Charles A. Milton, late collector of Battletown township, county of Clarke, was taken up, twice read, and referred to the committee on finance.

No. 47, House bill entitled an act to amend and re-enact the 5th section of an act to appropriate the income arising from the proceeds of the land scrip accruing to Virginia under act of congress of July 2d, 1862, and the acts amendatory thereof, approved March 19th, 1872, was taken up, twice read, and referred to the committee on public institutions.

No. 49, House bill entitled an act for the relief of Samuel R. Allabaugh, late sheriff of Rockingham county, was taken up, twice read, and referred to the committee on finance.

No. 40, House joint resolution in regard to the public debt, was taken up, twice read, and, on motion of Mr. Fitzpatrick, the rule requiring the commitment of the same was suspended—thereupon

Mr. Nowlin moved to re-consider the vote by which the rule requiring its commitment was suspended; and the question being put thereon, resulted—ayes 13, noes 13.

The vote was recorded as follows:

Ayes—Messrs. Beazley, Boykin, Connally, Greene, Holladay, Lathrop, Martin, Nowlin, Patterson, Roller, Taylor of Loudoun, Thomas, and Wynne—13.

Noes—Messrs. Cochran, Fitzpatrick, Graham, Greever, Grimsley, Hundley, Kirkpatrick, Lackland, Nutting, Quesenberry, Rue, Smith, and Ward—13.

The senate being equally divided, Lieut-Governor John L. Marye, Jr., President of the senate, voted “aye,” and announced the question determined in the affirmative.

The joint resolution was then referred to the committee on finance.

The President laid before the senate a communication from the treasurer, in response to a resolution of the senate calling for a statement of the monthly balances in the treasury, deposited in the banks from 31st of December, 1871, to the 30th November, 1872; which, on motion of Mr. Graham, was laid on the table and ordered to be printed. (Doc. No. 5.)

Mr. Taylor of Loudoun, by leave, presented

No. 89, A bill to amend section 81 of an act approved March 19th, 1872, entitled an act to amend and re-enact an act prescribing the duties and compensation of certain township officers, approved July 11th, 1870, and acts amendatory thereof; which, on his motion, was read the first, and ordered to be read a second time, and referred to the committee on county, city, and town organizations.

Mr. Nowlin, by leave, presented

No. 90, A bill to establish the seals of the commonwealth; which, on his motion, was read the first, and ordered to be read a second time, and referred to the committee on general laws.

Mr. Hundley, by leave, presented

No. 91, A bill to amend an act entitled an act authorizing the Board of supervisors of Buckingham county, Virginia, to borrow money to re-build the court-house of said county, destroyed by fire 1868, approved March 15th, 1871; which, on his motion, was read the first, and ordered to be read a second time, and referred to the committee on general laws.

Mr. Ward, by leave, presented

No. 92, A bill to authorize the formation of the Virginia mining, manufacturing and transportation company; which, on his motion, was read the first, and ordered to be read a second time, and referred to the committee on roads and internal navigation.

Mr. Boykin, by leave, presented

No. 93, A bill to amend and re-enact the 83rd and 84th sections of an act to amend and re-enact an act prescribing the duties and compensation of certain township officers, approved July 11th, 1870, and acts amendatory thereof, approved March 19th, 1872; which, on his motion, was read the first, and ordered to be read a second time, and referred to the committee on county, city, and town organizations.

Mr. Lathrop, by leave, presented

No. 94, A bill to amend and re-enact sections 1 and 3 of an act entitled an act declaring certain streams in Charlotte county to be highways; which, on his motion, was read the first, and ordered to be read a second time, and referred to the committee on roads and internal navigation; and, in connection therewith,

He presented a copy of the proceedings of a meeting of the citizens of Charlotte county; which, on his motion, was referred to the committee on roads and internal navigation.

No. 63, Senate bill to provide for a board of equalization, being the unfinished business of yesterday, was taken up; and the pending question being on ordering the bill to its engrossment and third reading,

On motion of Mr. Fitzpatrick, the bill was laid on the table and made the order of the day for Wednesday next, at one o'clock.

No. 75, Senate bill to provide for the sale of land known as the armory grounds, belonging to the commonwealth of Virginia, in the city of Richmond, was taken up, read the second time; and the question being on the adoption of the amendment proposed by the committee on finance,

On motion of Mr. Roller, the bill was laid on the table.

No. 80, Senate bill to amend and re-enact the first section of an act entitled an act to amend and re-enact an act passed March 15th, 1849, entitled an act to extend the limits of and provide for electing trustees for the town of Marion, in the county of Smyth, investing them with certain corporate powers, was taken up, read the second, and ordered to be engrossed and read a third time.

The report of the committee on public institutions declaring it inexpedient to legislate on the subject of a resolution as to the expediency of so amending the public school laws as to abolish the district and county school taxes, &c., was taken up and concurred in.

The report of the committee on public institutions asking to be discharged from the further consideration of a resolution relative to the Houdon statue of Washington, the subject having been referred to a special joint committee, was taken up and concurred in.

On motion of Mr. Nowlin,

Resolved, That the joint committee on amendments to the constitution enquire into the expediency of so amending the constitution of this state as to prohibit the granting of any charters of incorporation by the general assembly.

On motion of Mr. Wynne,

Resolved, That the secretary of the commonwealth be requested to ascertain from the clerks of counties and corporations in this state what, if any, records, documents, historic papers and relics, maps, weights, measures, seals, &c., the property of the state, are in their possession; and that he be instructed to lay before the committee on the library the information he may obtain.

On motion of Mr. Taylor of Loudoun, the senate adjourned until Monday, twelve o'clock.

MONDAY, JANUARY 6, 1873.

Mr. Thomas, President pro tempore, in the chair.

Prayer by Rev. Dr. Thomas L. Preston.

A communication from the house of delegates, by their clerk, was read as follows:

In House of Delegates, January 4, 1873.

The house of delegates have agreed to the amendment of the senate to house bill entitled an act to incorporate the town of Covington, in the county of Alleghany, No. 20; and have passed house bill entitled an act to amend and re-enact section 63 of chapter 385 of Acts of 1871-72, as to collection of tax on coupons, No. 37; and an act to authorize the Board of public works to sell the state's interest in the Upper Appomattox company, No. 48; in which bills they respectfully request the concurrence of the senate.

No. 37, House bill entitled an act to amend and re-enact section 63 of chapter 385 of Acts of 1871-72, as to collection of tax on coupons, was read twice, and referred to the committee on finance.

No. 48, House bill entitled an act to authorize the Board of public works to sell the state's interest in the Upper Appomattox company, was read twice, and referred to the committee on roads and internal navigation.

Mr. Fitzpatrick, from the committee on general laws, reported with the recommendation that it do not pass,

No. 23, House bill entitled an act for the relief of George W. Wright, assessor of the township of Taylor, county of Orange; which was subsequently taken up, and, on motion of Mr. Grimsley, laid on the table.

He, from the same committee, reported the following bill, asking to be discharged from its further consideration, and that it be referred to the committee for courts of justice:

No. 72, Senate bill to provide for the publication of a new edition of the Code of Virginia.

The bill was subsequently taken up, the committee on general laws discharged from its consideration, and the bill referred to the committee for courts of justice.

He, from the same committee, reported, with a substitute therefor,

No. 85, Senate bill to incorporate the town of Potomac, which was subsequently taken up, read the second time, and the substitute proposed by the committee was agreed to.

The bill as amended was then ordered to be engrossed and read a third time.

And he, from the same committee, reported without amendment,

No. 91, Senate bill to amend and re-enact an act entitled an act authorizing the Board of supervisors of Buckingham county, Virginia, to borrow money to re-build the court-house of said county, destroyed by fire 1868, approved March 15th, 1871; which was subsequently taken up, read the second time, and ordered to be engrossed and read a third time.

Mr. Cochran, from the committee on finance, reported with an amendment,

No. 40, House joint resolution in regard to the public debt; which was subsequently taken up and the amendment agreed to—when

Mr. Fitzpatrick moved to lay the resolution on the table and make it the order of the day for to-morrow, at one o'clock; and the question being put thereon, was determined in the negative, on division—ayes 10, noes 12.

The resolution was then read the third time and agreed to.

On motion of Mr. Cochran, it was

Ordered, That he inform the house of delegates thereof and request their concurrence in the amendment.

He, from the same committee, reported with an amendment,

No. 46, House bill entitled an act for the relief of Joseph T. Griffith and others, sureties of Charles A. Milton, late collector of Battletown township, county of Clarke; which was subsequently taken up and the amendment agreed to.

The bill as amended was then read the third time and passed with its title.

On motion of Mr. Ward, it was

Ordered, That he inform the house of delegates thereof and request their concurrence in the amendment.

And he, from the same committee, reported without amendment,

No. 49, House bill entitled an act for the relief of Samuel R. Allabaugh, late sheriff of Rockingham county; which was subsequently taken up, and, on motion of Mr. Roller, laid on the table.

Mr. Ward, by leave, presented

No. 95, A bill to amend and re-enact section 12, chapter 63 of the Code of Virginia (1860), so as the more effectually to require millers to grind for toll all grain brought to their mills for the consumption of the person bringing or sending it, or his family; which, on his motion, was read the first, and ordered to be read a second time, and referred to the committee on general laws.

No. 50, Senate bill to amend and re-enact section 33 of chapter 162 of the Code of 1860, in regard to juries generally, and the pay of jurors, was taken up, on motion of Mr. Lackland; and, on his further motion, laid on the table and made the order for Thursday next, at one o'clock.

Mr. Roller, by leave, presented

No. 96, A bill to enable the Presbyterian church of Harrisonburg, Rockingham county, to receive and hold a bequest under the will of Ann Davidson, deceased; which, on his motion, was read the first, and ordered to be read a second time, and referred to the committee for courts of justice.

Mr. Roller, by leave, presented

No. 97, A bill to incorporate the Augusta mining and improvement company; which, on his motion, was read the first, and ordered to be read a second time, and referred to the committee on general laws.

Mr. Smith, by leave, presented

No. 98, A bill to amend and re-enact chapter 122 of the Acts of 1871-72, in relation to the relief of the sureties of Wm. Sample, late sheriff of Russell county; which, on his motion, was read the first, and ordered to be read a second time, and referred to the committee on finance.

Mr. Nowlin, by leave, presented

No. 99, A bill to provide for the removal of certain causes from the docket of the special court of appeals to the docket of the supreme court of appeals; which, on his motion, was read the first, and ordered to be read a second time.

Mr. Nowlin moved that the bill have its second reading to-day; and the question being put thereon, was determined, for want of a two-thirds vote, in the negative.

No. 80, Senate bill to amend and re-enact the first section of an act entitled an act to amend and re-enact an act passed March 15th, 1849, entitled an act to extend the limits of and provide for electing trustees for the town of Marion, in the county of Smyth, investing them with certain corporate powers, was taken up, read the third time and passed with its title.

On motion of Mr. Greever, it was

Ordered, That he inform the house of delegates thereof and request their concurrence therein.

A message was received from the house of delegates by Mr Mathew, who informed the senate that that house had adopted a joint resolution postponing the election of county judge for Northampton until Monday, 13th inst., at one o'clock, P. M.; which was taken up, on motion of Mr. Nowlin, and agreed to.

And, on his further motion, it was

Ordered, That he inform the house of delegates thereof.

No. 8, House bill entitled an act to provide artificial limbs for citizens of the commonwealth who lost their limbs during the war, was taken up, on motion of Mr. Taylor of Loudoun, and, on motion of Mr. Pridemore, was amended by inserting after the word "him," in the 32d line, 1st section, the words "provided further, that in the furnishing of limbs, or giving compensation in lieu thereof under the provisions of this act, preference shall be given to those applying who have not received the same under the provisions of former acts."

Mr. Lathrop moved further to amend the bill by striking out, in the 1st section, the words "and was a citizen of this state at the time of the loss of said leg, or in a military corps of the state;" and the question being put thereon, was determined in the negative—ayes 10, noes 18.

On motion of Mr. Graham, the vote was recorded as follows:

Ayes—Messrs. Graham, Greene, Grimsley, Lathrop, Martin, Massey, Nutting, Roller, Stevens, and Thomas—10.

Noes—Messrs. Anderson of Pittsylvania, Anderson of Rockbridge, Beazley, Cochran, Fitzpatrick, Greever, Holladay, Hundley, Lackland, Nowlin, Patterson, Pridemore, Quesenberry, Smith, Taylor of Loudoun, Taylor of Norfolk city, Ward, and Wynne—18.

The bill, as amended, was then read the third time; and the question on the passage thereof being put, was determined in the affirmative—ayes 28, noes 1.

The vote was recorded as follows:

Ayes—Messrs. Anderson of Pittsylvania, Anderson of Rockbridge, Beazley, Cochran, Connally, Fitzpatrick, Greene, Greever, Grimsley, Holladay, Hundley, Kirkpatrick, Lackland, Lathrop, Martin, Massey, Nowlin, Nutting, Patterson, Pridemore, Quesenberry, Roller, Smith, Taylor of Loudoun, Taylor of Norfolk city, Thomas, Ward, and Wynne—28.

No—Mr. Graham—1.

The title of the bill was then agreed to.

Ordered, That the clerk inform the house of delegates thereof and request their concurrence in the amendment.

Mr. Patterson, by leave, presented

No. 100, A bill to incorporate the town of Rocky Mount, in the county of Franklin; which, on his motion, was read the first, and ordered to be read a second time, and referred to the committee on general laws.

Mr. Patterson, by leave, presented

No. 101, A bill to authorize the Liberty and Rocky Mount narrow gauge railroad company to extend its road from Rocky Mount to the

North Carolina line; which, on his motion, was read the first, and ordered to be read a second time, and referred to the committee on roads and internal navigation.

Mr. Roller, by leave, presented

No. 102, A bill to amend and re-enact sections 17 and 22 of an act amending the charter of the town of Harrisonburg, passed July 9th, 1870; which, on his motion, was read the first, and ordered to be read a second time, and referred to the committee on general laws.

The President laid before the senate a communication from the governor, which was read as follows:

RICHMOND, January 2, 1873.

To the General Assembly:

I have the honor to transmit herewith the report of the commissioners to adjust and establish the boundary lines between the states of Virginia and Maryland.

(Signed,) G. C. WALKER.

On motion of Mr. Cochran, the communication and accompanying report were referred to the committee on federal relations.

On motion of Mr. Fitzpatrick,

Resolved, That the joint committee on constitutional amendments be instructed to enquire into the expediency of amending the constitution by striking out sections one and four of article 10, in relation to taxation and finance, so as to allow the legislature to impose taxes upon such subjects as can best afford to pay the same.

On motion of Mr. Greene,

Resolved, That the committee for courts of justice be instructed to enquire into the expediency of amending the law so as to require all bar-rooms and places for retailing ardent spirits to be closed on the Sabbath.

On motion of Mr. Taylor of Loudoun,

Resolved, That the committee for courts of justice enquire into the expediency of so amending the law as to require a sum to be taxed as costs in each civil proceeding requiring a jury, said sum to be applied to the payment of the jury in such case.

On motion of Mr. Roller,

Resolved, That the committee for courts of justice be instructed to enquire into the expediency of amending and re-enacting the second section of the act entitled an act in relation to the evidence of parties in suits, so as more clearly to define when parties to contracts or suits are competent or incompetent as witnesses.

On motion of Mr. Roller,

Resolved, That the committee for courts of justice be instructed to enquire what legislation is necessary in order to protect more effectually the interests of drovers and other shippers of live-stock upon the railroads of the state.

On motion of Mr. Massey,

Resolved, That the auditor of public accounts be requested to inform the senate what sums have been appropriated by the directors of public institutions of this state in payment of salaries of such directors, and under what law such appropriations are made.

On motion of Mr. Anderson of Rockbridge,

Resolved, That the Board of education be requested to inform the senate what amount, in money, has been realized from the sale of the college land scrip donated by congress; what sum has been and what is yet to be paid, and when to be paid; how the money received has been invested; if in Virginia bonds, in what kinds; and what amount of interest had accrued thereon prior to January 1st, 1873.

On motion of Mr. Roller, the senate adjourned until to-morrow, twelve o'clock.

TUESDAY, JANUARY 7, 1873.

Prayer by Rev. Dr. Preston.

Mr. Roller, from the committee for courts of justice, reported with the recommendation that the senate agree to the 1st, 2d, and 6th, and disagreed to the 3d, 4th, and 5th amendments proposed by the house of delegates.

No. 8, Senate bill entitled an act to amend and re-enact section 4 of chapter 186 of the Code of 1860, in relation to docketing judgments and other liens of a like nature which was subsequently taken up, and the question on agreeing to the amendments of the house of delegates being put, the 1st, 2d, and 6th amendments were agreed to, and the 3d and 5th amendments were disagreed to.

The question on agreeing to the 4th amendment, which is in these words: 35th and 36th lines, strike out "upon request of the judgment debtor, his attorney or agent, or any other party interested," being put, was determined in the affirmative—ayes 14, noes 8.

On motion of Mr. Roller, the vote was recorded as follows:

Ayes—Messrs. Beazley, Cochran, Grimsley, Holladay, Hundley, Lackland, Massey, Meem, Nowlin, Quesenberry, Roller, Thomas, Ward, and Wynne—14.

Noes—Messrs. Anderson of Pittsylvania, Anderson of Rockbridge, Fitzpatrick, Kirkpatrick, Martin, Pridemore, Taylor of Loudoun, and Terry—8.

Ordered, That the clerk inform the house of delegates thereof and request their concurrence therein.

He, from the same committee, reported without amendment,

No. 17, House bill entitled an act to amend and re-enact section 1 of chapter 120 of the Code (edition of 1860), in reference to notaries public; which was subsequently taken up, read the third time, and passed with its title.

Ordered, That the clerk inform the house of delegates thereof.

He, from the same committee, reported with the recommendation that it do not pass,

No. 28, House bill entitled an act to amend and re-enact section 4, chapter 108 of the Code of Virginia of 1860, as amended by an act approved May 19th, 1870, in relation to marriages, births and deaths;

which was subsequently taken up, read the third time, and the question on the passage of the bill being put, was determined in the negative, on division—ayes 9, noes 14.

On motion of Mr. Smith, the vote by which the bill was rejected was reconsidered—when

Mr. Nowlin moved that the vote by which the bill was ordered to its engrossment and third reading be reconsidered, and the question being put thereon, resulted, on division—ayes 12, noes 12.

The senate being equally divided, Lieutenant-Governor, John L. Marye, Jr., President of the senate, voted “aye,” and announced the question determined in the affirmative. Thereupon

Mr. Nowlin moved to amend the bill by striking out, in the 4th amended section, the words “two hundred dollars,” and inserting in lieu thereof the words “five hundred dollars;” and on this proposition Mr. Taylor of Loudoun demanded a division of the question, which was ordered; and being put on the first member, viz: to strike out the words “two hundred dollars,” was determined in the negative—when

Mr. Taylor of Loudoun moved to lay the bill on the table, and the question being put thereon, was determined in the negative—ayes 8, noes 20.

On motion of Mr. Graham, the vote was recorded as follows:

Ayes—Messrs. Anderson of Pittsylvania, Beazley, Connally, Holladay, Taylor of Loudoun, Taylor of Norfolk city, Thomas, and Wynne—8.

Noes—Messrs. Anderson of Rockbridge, Boykin, Fitzpatrick, Graham, Greene, Grimsley, Hundley, Kirkpatrick, Lackland, Martin, Massey, Meem, Nowlin, Pridemore, Quesenberry, Roller, Rue, Stevens, Terry, and Ward—20.

The question being on the third reading of the bill, Mr. Hundley demanded the pending question, which was ordered; and being put, was determined in the affirmative.

The bill was then read the third time, and the question on the passage thereof being put, was determined in the negative—ayes 7, noes 18.

Ayes—Messrs. Graham, Greene, Martin, Nowlin, Pridemore, Rue, and Ward—7.

Noes—Messrs. Anderson of Pittsylvania, Anderson of Rockbridge, Beazley, Connally, Fitzpatrick, Grimsley, Holladay, Hundley, Kirkpatrick, Lackland, Massey, Meem, Quesenberry, Taylor of Loudoun, Taylor of Norfolk city, Terry, Thomas, and Wynne—18.

Ordered, That the clerk inform the house of delegates thereof.

He, from the same committee, reported without amendment,

No. 77, Senate bill to amend and re-enact the 9th section of chapter 108 of the Code of 1860, in reference to marriages within prohibited degrees of relationship.

He, from the same committee, reported without amendment,

No. 86, Senate bill so to amend and re-enact section 23, chapter 163 of the Code of Virginia (1860), as to provide for the enforcement of fines against delinquent clerks.

And he, from the same committee, reported without amendment,

No. 96, Senate bill to enable the Presbyterian church of Harrisonburg, Rockingham county, to receive and hold a bequest under the will of Ann Davidson, deceased.

Mr. Fitzpatrick, from the committee on general laws, reported with amendments,

No. 38, House bill entitled an act to authorize the qualified voters of the county of Halifax to vote on the question of the purchase of the toll-bridge at South Boston, in that county, in order to make it a free-bridge.

Mr. Taylor of Norfolk city, from the committee on roads and internal navigation, reported without amendment,

No. 94, Senate bill to amend and re-enact sections one and three of an act entitled an act declaring certain streams in Charlotte county to be highways.

Mr. Meem, by leave, presented

No. 103, A bill incorporating the Woodstock and Lost river turnpike company; which, on his motion, was read the first, and ordered to be read a second time, and referred to the committee on roads and internal navigation.

On motion of Mr. Quesenberry, it was

Ordered, That he inform the house of delegates of the passage, with an amendment, of house bill entitled an act to provide artificial limbs for citizens of the commonwealth who lost their limbs during the war, No. 8; and to request their concurrence in the amendment.

No. 91, Senate bill to amend an act entitled an act authorizing the Board of supervisors of Buckingham county, Virginia, to borrow money to re-build the court-house of said county, destroyed by fire, 1868, approved March 15th, 1871, was taken up, read the third time and passed with its title.

On motion of Mr. Hundley, it was

Ordered, That he inform the house of delegates thereof and request their concurrence therein.

No. 85, Senate bill to incorporate the town of Potomac, was taken up, read the third time and passed with its title.

Ordered, That the clerk inform the house of delegates thereof and request their concurrence therein.

A message was received from the house of delegates by Mr. Hill, who informed the senate that that house had passed a bill entitled an act to incorporate the Society of the Alumni of the University of Virginia, No. 53.

No. 99, Senate bill to provide for the removal of certain causes from the docket of the special court of appeals to the docket of the supreme court of appeals, was taken up, on motion of Mr. Nowlin, read the second time; and, on his further motion, the bill was amended by inserting after the word "judge," in the 5th line, the words "or it be deemed proper by the court for any other good cause."

The bill, as amended, was then ordered to be engrossed and read a third time.

No. 88, House bill entitled an act to authorize the qualified voters of

the county of Halifax to vote on the question of the purchase of the toll-bridge at South Boston, in that county, in order to make it a free-bridge, was taken up, and the question on agreeing to the first amendment proposed by the committee on general laws being put, was determined in the affirmative, on division—ayes 16, noes 9.

The question being on agreeing to the second amendment proposed by the committee, which is in these words: “In the fourth line of the third section, after the word ‘bridge,’ insert the following: ‘And that said three-fifths include a majority of the votes cast by freeholders at said election, and a majority of the registered voters of the county then.’”

Mr. Graham made an unsuccessful motion to amend the amendment, by inserting before the word “freeholders” the word “colored.”

Mr. Graham then made an unsuccessful motion to insert before the word “freeholders” the word “white.” The question recurring on agreeing to the second amendment,

Mr. Fitzpatrick demanded the pending question, which was ordered; and being put, was determined in the affirmative—ayes 16, noes 11.

On motion of Mr. Martin, the vote was recorded as follows:

Ayes—Messrs. Anderson of Pittsylvania, Anderson of Rockbridge, Beazley, Boykin, Fitzpatrick, Herndon, Holladay, Kirkpatrick, Meem, Quesenberry, Taylor of Loudoun, Taylor of Norfolk city, Terry, Thomas, Ward, and Wynne—16.

Noes—Messrs. Graham, Greene, Hundley, Lackland, Lathrop, Martin, Nowlin, Nutting, Pridemore, Rue, and Stevens—11.

The third amendment was then agreed to.

The question being on agreeing to the fourth amendment of the committee, on motion of Mr. Anderson of Rockbridge, the same was amended by striking out the word “legal,” and inserting after the word “interest” the words “allowed by law”—when

Mr. Hundley made an unsuccessful motion to adjourn.

The fourth amendment as amended was then agreed to.

The fifth amendment was then agreed to—when

Mr. Lathrop made an unsuccessful motion to adjourn.

The sixth, seventh, eighth, and ninth amendments were then agreed to—when

Mr. Lathrop made an unsuccessful motion to adjourn.

Mr. Martin made an unsuccessful motion to lay the bill on the table.

The bill was then read the third time, and the question on the passage thereof being put, was determined in the negative—ayes 13, noes 13.

On motion of Mr. Greene, the vote was recorded as follows:

Ayes—Messrs. Anderson of Pittsylvania, Anderson of Rockbridge, Beazley, Boykin, Fitzpatrick, Herndon, Holladay, Kirkpatrick, Meem, Quesenberry, Taylor of Norfolk city, Terry, and Wynne—13.

Noes—Messrs. Graham, Greene, Hundley, Lathrop, Martin, Nowlin, Nutting, Pridemore, Rue, Stevens, Taylor of Loudoun, Thomas, and Ward—13.

Mr. Thomas moved to re-consider the vote by which the bill was rejected, and on his proposition,

Mr. Martin demanded the "ayes" and "noes;" which were ordered—when,

On motion of Mr. Anderson of Pittsylvania, the senate adjourned until to-morrow, twelve o'clock.

WEDNESDAY, JANUARY 8, 1873.

Prayer by Rev. Dr. Preston.

No. 53, House bill entitled an act to incorporate the Society of the Alumni of the University of Virginia, was taken up, read twice, and referred to the committee on public institutions.

A communication from the house of delegates, by their clerk, was read as follows:

In the House of Delegates, January 7, 1873.

The house of delegates have agreed to the amendments of the senate to house bills entitled an act to provide artificial limbs for citizens of the commonwealth who lost their limbs during the war, No. 8; and an act for the relief of Joseph T. Griffith and others, sureties of Charles A. Milton, late collector of Battletown township, county of Clarke, No. 46; and house joint resolution in regard to the public debt, No. 40. They have passed senate bill entitled an act to exempt citizens of Tangier, Syxe's, and Chincoteague islands from jury service, No. 43, with amendments; and have passed house bill entitled an act to encourage agricultural and industrial fairs, No. 41; in which amendments and bill they respectfully request the concurrence of the senate.

No. 41, House bill entitled an act to encourage agricultural and industrial fairs, was read twice, and referred to the committee on general laws.

No. 43, Senate bill to exempt citizens of Tangier, Syxe's, and Chincoteague islands from jury service, with the amendments proposed by the house of delegates, was taken up, and the amendments were agreed to.

The title, as amended, was agreed to in these words: "An act to exempt citizens of Tangier, Syxe's, Chincoteague, Hog, and Cobb's islands from jury service."

Ordered, That the clerk inform the house of delegates thereof.

The President laid before the senate a communication from the Board of visitors of the Virginia agricultural and mechanical college relative to the payment of the interest on the state bonds held by that institution; which, on motion of Mr. Thomas, was referred to the committee on finance.

The President laid before the senate a communication from the Board of education in response to a resolution of the senate calling for information as to the amount realized from the sale of the college land scrip donated by congress, &c.; which, on motion of Mr. Taylor of Loudoun, was laid on the table, and ordered to be printed. (Doc. No. 6.)

Mr. Wynne, from the committee on the library, presented

No. 104, A bill to amend section 14 of chapter 19 of the Code of 1860, directing the committee on the library to make purchases for the library.

Mr. Hundley, by leave, presented

No. 105, A bill for the relief of A. W. Vaughan, collector of Francisco township, in Buckingham county, in the year 1871; which, on his motion, was read the first, and ordered to be read a second time, and referred to the committee on general laws; and, in connection therewith,

He presented petition of A. W. Vaughan, late collector of Francisco township, in the county of Buckingham; which, on his motion, was referred to the committee on general laws.

Mr. Grimsley, from the committee on county, city, and town organizations reported, without amendment,

No. 14, House bill entitled an act to repeal an act, passed May 19th, 1852, entitled an act to provide for the election of certain officers of the city of Norfolk by the qualified voters thereof.

No. 38, House bill entitled an act to authorize the qualified voters of the county of Halifax to vote on the question of the purchase of the toll-bridge at South Boston, in that county, in order to make it a free-bridge, being the unfinished business of yesterday, was taken up.

The pending question being on a motion to re-consider the vote by which the bill was rejected, was put and determined in the affirmative—ayes 28, noes none.

On motion of Mr. Martin, the vote was recorded as follows:

Ayes—Messrs. Anderson of Pittsylvania, Anderson of Rockbridge, Beazley, Boykin, Cochran, Greene, Grimsley, Herndon, Hundley, Johnson, Kirkpatrick, Lackland, Lathrop, Martin, Massey, Meem, Nowlin, Nutting, Patterson, Pridemore, Quesenberry, Roller, Stevens, Taylor of Loudoun, Terry, Thomas, Ward, and Wynne—28.

Mr. Lathrop moved to re-consider the vote by which the bill was ordered to its third reading, and the question being put thereon, was determined in the negative, on division—ayes 13, noes 15.

The question recurring on the passage of the bill, and being put, was determined in the affirmative—ayes 15, noes 11.

On motion of Mr. Lathrop, the vote was recorded as follows:

Ayes—Messrs. Anderson of Rockbridge, Beazley, Boykin, Grimsley, Herndon, Johnson, Kirkpatrick, Patterson, Quesenberry, Roller, Taylor of Loudoun, Terry, Thomas, Ward, and Wynne—15.

Noes—Messrs. Graham, Greene, Hundley, Lackland, Lathrop, Martin, Nowlin, Nutting, Pridemore, Rue, and Stevens—11.

Ordered, That the clerk inform the house of delegates thereof and request their concurrence in the amendments.

Mr. Fitzpatrick, from the committee on general laws, reported without amendment,

No. 97, Senate bill to incorporate the Augusta mining and improvement company.

And he, from the same committee, reported without amendment,

No. 102, Senate bill to amend and re-enact sections 17 and 22 of an act amending the charter of the town of Harrisonburg, passed July 9th, 1870.

A message was received from the house of delegates by Mr. Bagwell, who informed the senate that that house had agreed to a joint resolution rescinding the joint order for the election of a judge for the county of Northampton on Monday next at one o'clock, and fixing Thursday the 9th inst., at one o'clock, for said election; which was subsequently taken up, on motion of Mr. Johnson, and agreed to.

On motion of Mr. Johnson, it was

Ordered, That he inform the house of delegates thereof.

Mr. Greene moved to take up

The joint resolution providing for the selection of a site for a state reform school and the erection of suitable buildings thereon; and the question being put thereon, was determined in the affirmative, on division—ayes 19, noes 7.

The question on the adoption of the resolution being put, was determined in the affirmative—ayes 19, noes 7.

On motion of Mr. Fitzpatrick, the vote was recorded as follows:

Ayes—Messrs. Anderson of Rockbridge, Beazley, Cochran, Graham, Greene, Grimsley, Herndon, Hundley, Lathrop, Massey, Meem, Norton, Nowlin, Quesenberry, Rue, Stevens, Thomas, Ward, and Wynne.—19.

Noes—Messrs. Boykin, Fitzpatrick, Johnson, Lackland, Pridemore, Taylor of Loudoun, and Terry—7.

On motion of Mr. Greene, it was

Ordered, That he inform the house of delegates thereof and request their concurrence therein.

Mr. Anderson of Rockbridge offered the following joint resolution, which lies over under the rules:

Resolved (the house of delegates concurring), That the joint committee on constitutional amendments be authorized, if they find it necessary for the proper dispatch of the business before them, to employ a clerk, who shall also be the clerk of any other joint committee appointed during the present session.

No. 99, Senate bill to provide for the removal of certain causes from the docket of the special court of appeals to the docket of the supreme court of appeals, was taken up, read the third time, and the question on the passage thereof being put, was determined in the affirmative.

On motion of Mr. Nowlin, it was

Ordered, That he inform the house of delegates thereof and request their concurrence therein.

A message was received from the house of delegates by Mr. Strother, who informed the senate that that house had passed with an amendment to the first amendment of the senate to the amendments proposed by the house of delegates,

No. 9, Senate bill entitled an act declaring valid decrees made in vacation by consent of parties.

No. 63, Senate bill to provide for a Board of equalization, being the order of the day, was taken up, on motion of Mr. Taylor of Loudoun—when

Mr. Ward moved to amend the bill by striking out, in the 1st section, the words “appointed by the governor by and with the consent of the

senate," and inserting in lieu thereof the words "elected by the general assembly;" and the question being put thereon, was determined in the negative—ayes 14, noes 18.

On motion of Mr. Ward, the vote was recorded as follows:

Ayes—Messrs. Connally, Fitzpatrick, Graham, Grimsley, Herndon, Lackland, Martin, Massey, Nutting, Patterson, Pridemore, Quesenberry, Ward, and Wynne—14.

Noes—Messrs. Anderson of Rockbridge, Beazley, Boykin, Greene, Holladay, Hundley, Johnson, Kirpatrick, Lathrop, Meem, Norton, Nowlin, Perrin, Roller, Rue, Taylor of Loudoun, Terry, and Thomas—18.

Mr. Quesenberry moved that the bill be indefinitely postponed—when

Mr. Johnson moved to lay the bill on the table; and the question being put thereon, was determined in the affirmative, on division—ayes 15, noes 10. Subsequently,

On motion of Mr. Fitzpatrick, the bill was taken up, when Mr. Quesenberry withdrew the motion for an indefinite postponement of the bill. Thereupon

Mr. Cochran offered a substitute for the bill, being senate bill No. 2, with the amendments of committee on finance.

Mr. Hundley moved to amend the bill by inserting after the word "office," in the 13th line of 5th section, the words "or increase the said valuations above the aggregate values of the same existing in the year 1870, excluding from calculation any increase of assessment made in any county, city, or town of this commonwealth, under the act of 1872."

The question being on agreeing to the amendment proposed by Mr. Hundley,

Mr. Thomas submitted a draft of a bill which he proposed to offer at the proper time as a substitute for the bill under consideration; which, on his motion, was ordered to be printed.

The question recurring on the adoption of the amendment offered by Mr. Hundley,

On motion of Mr. Lathrop, the senate adjourned until to-morrow, twelve o'clock.

THURSDAY, JANUARY 9, 1873.

Prayer by Rev. Dr. Preston.

No. 9, Senate bill entitled an act declaring valid decrees made in vacation by consent of parties, with the amendment of the house of delegates to the 1st amendment of the senate to the amendments proposed by the house of delegates, was taken up and the amendment agreed to.

Ordered, That the clerk inform the house of delegates thereof.

A communication from the house of delegates, by their clerk, was read as follows:

In the House of Delegates, January 8, 1873.

The house of delegates have passed senate bill entitled an act to amend and re-enact the 2d section of an act entitled an act authorizing an increase of the capital stock of the Kanawha coal company and for other purposes, passed March 1st, 1858, No. 26; and have dismissed senate bill entitled an act to amend section 2d of an act approved March 13th, 1872, prescribing the duties and compensation of county officers, No. 48.

They have passed house bill entitled an act to amend and re-enact sections 15, 16, and 17 of chapter 37 of the Code, with reference to sales of lands for taxes, No. 45; in which bill they respectfully request the concurrence of the senate.

No. 45, House bill entitled an act to amend and re-enact sections 15, 16, and 17 of chapter 37 of the Code, with reference to sales of lands for taxes, was taken up, twice read, and referred to the committee on finance.

The President laid before the senate a communication from the governor, enclosing a communication from Theo. J. Eckerson, assistant-quartermaster United States army, in reference to the relinquishment of the jurisdiction of the state of Virginia over certain property conveyed to the United States for cemeterial purposes; which, on motion of Mr. Quesenberry, was referred to the committee for courts of justice.

Mr. Herndon, from the committee for courts of justice, reported with the recommendation that it do not pass,

No. 53, Senate bill to amend and re-enact an act to amend the 1st and 2d sections of chapter 128, Code of 1860, in relation to leasing and selling lands of persons under disability.

He, from the same committee, reported with the recommendation that it do not pass,

No. 54, Senate bill to amend and re-enact an act to amend the 1st and 6th sections of chapter 129 of the Code (1860), in relation to transferring to persons in another state or county effects in this state.

He, from the same committee, reported without amendment,

No. 61, Senate bill to authorize the supervisors of Caroline county to grant a lot of land in the town of Port Royal to the Baptist church.

He, from the same committee, reported with the recommendation that it do not pass,

No. 62, Senate bill to provide for the publication of the laws of the commonwealth in the newspapers published in this state immediately after their passage.

He, from the same committee, reported without amendment,

No. 64, Senate bill declaring all domesticated animals and birds personal property.

He, from the same committee, reported with amendments,

No. 74, Senate bill declaring and prescribing what fees a justice of the peace may charge for services connected with the trial of warrants for small claims.

He, from the same committee, presented a report declaring it inexpedient to legislate on the subject of a resolution in relation to employing a reporter for the senate.

And he, from the same committee, reported with amendments,

No. 42, House bill entitled an act to amend and re-enact the 15th section of chapter 182 of the Code of 1860, and the several acts amendatory thereof, in relation to appeals, writs of error, and supersedeas.

Mr. Fitzpatrick, from the committee on general laws, reported with a substitute therefor,

No. 100, Senate bill to incorporate the town of Rocky Mount, in the county of Franklin.

Mr. Taylor of Norfolk city, from the committee on roads and internal navigation, reported without amendment,

No. 87, Senate bill to authorize the Board of supervisors for Wythe county to contract for keeping in repair certain public roads in said county.

He, from the same committee, reported without amendment,

No. 68, Senate bill to amend the first section of an act entitled an act to amend an act to incorporate the Valley railroad company, passed March 1st, 1867.

And he, from the same committee, reported with amendments,

No. 48, House bill entitled an act to authorize the Board of public works to sell the state's interest in the Upper Appomattox company.

Mr. Anderson of Rockbridge, from the committee on public institutions, reported without amendment,

No. 17, Senate bill to encourage donations to the University of Virginia and to constitute the state of Virginia the trustee thereof.

He, from the same committee, reported with amendments,

No. 16, Senate bill in relation to the lease of the penitentiary.

And he, from the same committee, presented a report in response to a resolution instructing the committee to ascertain from the president of the Virginia agricultural and mechanical college the number of students in attendance, &c., in which they present a communication from the president of the said institution furnishing the information called for.

On motion of Mr. Greene, the communication of the President of the Virginia agricultural and mechanical college was ordered to be printed.
(Doc. No. 7.)

Mr. Boykin, by leave, presented

A communication from Samuel M. Wilson, president of the Real estate bank of Virginia, at Norfolk, offering its services to the state for facilitating the collection of the revenue and for the payment of the interest on the public debt of the state; which, on his motion, was referred to the committee on finance.

A message was received from the house of delegates by Mr. Graves, who informed the senate that that house had passed a bill entitled an act to authorize the county court of Bedford county to order the sale of certain lands in said county and apply the proceeds thereof to the completion of a church, No. 60.

Mr. Pridemore, by leave, presented

No. 106, A bill to remove certain causes commenced in the county

courts to the circuit court, and for other purposes; which, on his motion, was read the first, and ordered to be read a second time, and referred to the committee for courts of justice.

Mr. Pridemore, by leave, presented

No. 107, A bill to amend and re-enact sections 1, 3, 16, and 17 of chapter 130 of Acts of 1866-67, in relation to the charter of the town of Jonesville; which, on his motion, was read the first, and ordered to be read a second time, and referred to the committee on general laws.

Mr. Herndon, by leave, presented

No. 108, A bill to amend and re-enact section 6, chapter 169, and section 7, chapter 170, Code of 1860, in relation to proceedings and suits against insurance companies; which, on his motion, was read the first, and ordered to be read a second time, and referred to the committee for courts of justice.

Mr. Nowlin, by leave, presented

No. 109, A bill to amend and re-enact an act approved July 9, 1870, entitled an act to amend the 2nd section of chapter 87 of the Code, edition of 1860, in regard to the sale of delinquent lands; which, on his motion, was read the first, and ordered to be read a second time, and referred to the committee on finance.

Mr. Kirkpatrick, by leave, presented

No. 110, A bill to amend and re-enact section 8, chapter 186 of the Code of Virginia as amended and re-enacted by chapter 175 of the Session Acts of 1871-72, in regard to judgment liens; which, on his motion, was read the first, and ordered to be read a second time, and referred to the committee for courts of justice.

Mr. Roller, by leave, presented

No. 111, A bill for the payment of the funeral expenses of Wm. S. Rhor, late an officer of the senate; which, on his motion, was read the first, and ordered to be read a second time, and referred to the committee on finance.

Mr. Rue, by leave, presented

No. 112, A bill requiring the treasurer of the joint ferry committee of Norfolk county and the city of Portsmouth to report; which, on his motion, was read the first, and ordered to be read a second time, and referred to the committee on general laws.

On motion of Mr. Roller,

Resolved, That the committee on finance be instructed to enquire into the expediency of authorizing by law state lotteries, for the purpose of raising money for public free-school purposes and for the creation of a sinking fund for the payment of the public debt.

On motion of Mr. Stevens,

Resolved, That the committee for courts of justice be instructed to enquire and report what legislation is necessary to prevent any discrimination being made in the public privileges guaranteed under section 20, article 1 of the constitution, to the citizens of this state on account of race or color.

A message was received from the house of delegates by Mr. Bagwell, who informed the senate that that house was ready on its part to pro-

ceed to the execution of the joint order of the day; which has for its object the election of a judge of the county court of Northampton to fill the unexpired term of James E. Heath, resigned.

On motion of Mr. Johnson, it was

Ordered, That he inform the house of delegates that the senate is also ready to proceed to execute the said joint order of the day.

Mr. Johnson nominated for the said office Hamilton S. Neale—and

He was instructed to inform the house of delegates that Hamilton S. Neale was the only person in nomination in this body for the office of judge of the county court of Northampton for the unexpired term of James E. Heath, resigned.

A message was received from the house of delegates by Mr. Fletcher, who informed the senate that there was no additional nomination in that house for the said office.

The roll was then called with the following result:

For Hamilton S. Neale,	-	-	-	24
E. K. Snead,	-	-	-	3

Senators who voted for Mr. Neale, are—Messrs. Anderson of Pennsylvania, Anderson of Rockbridge, Beazley, Cochran, Fitzpatrick, Greer, Grimsley, Herndon, Hundley, Johnson, Kirkpatrick, Lackland, Martin, Nowlin, Patterson, Pridemore, Quesenberry, Roller, Smith, Taylor of Loudoun, Taylor of Norfolk city, Thomas, Ward, and Wynne —27.

Senators who voted for Mr. Snead, are—Messrs. Greene, Massey, and Norton—3.

The President appointed Messrs. Johnson and Nowlin a committee to meet a similar committee on the part of the house of delegates and count the joint vote, who, subsequently, through their chairman, Mr. Johnson, reported

Whole number of votes cast	-	-	-	123
Necessary to a choice	-	-	-	62
Of which Mr. Neale received	-	-	-	119
Mr. Snead received	-	-	-	3
Mr. Peter J. Carter received	-	-	-	1

The President then declared that Hamilton S. Neale having received a majority of all the votes cast, was duly elected judge of the county court of Northampton for the unexpired term of James E. Heath, resigned,

No. 63, Senate bill to provide for a board of equalization, being the unfinished business of yesterday, was taken up. The pending question being on agreeing to the amendment offered by Mr. Hundley to the 5th section of the bill,

Mr. Patterson moved that the bill be indefinitely postponed—pending which,

On motion of Mr. Kirkpatrick, the senate adjourned until to-morrow, twelve o'clock.

FRIDAY, JANUARY 10, 1873.

Prayer by Rev. Dr. Preston.

Benjamin F. Rixey, elected to fill the vacancy (occasioned by the resignation of Thomas N. Latham) in the representation in the senate from the 21st district, composed of the counties of Fauquier and Rappahanock (having previously filed in the office of the clerk of the senate a certificate of his election), came forward, and the President of the senate administered to him the oath required by law, and he thereupon took his seat.

No. 60, House bill entitled an act to authorize the county court of Bedford county to order the sale of certain lands in said county and apply the proceeds thereof to the completion of a church, was taken up, read twice, and referred to the committee on general laws.

A communication from the house of delegates, by their clerk, was read as follows:

In House of Delegates, January 9, 1873.

The house of delegates have passed senate bill entitled an act to amend and re-enact the first section of an act entitled an act to amend and re-enact an act passed March 15th, 1849, entitled an act to extend the limits of and provide for electing trustees for the town of Marion, in the county of Smyth, investing them with certain corporate powers, No. 80; and have passed senate bill entitled an act in relation to the taking of acknowledgments by clerks of county courts, No. 42, with amendments; in which they respectfully request the concurrence of the senate.

No. 42, Senate bill entitled an act in relation to the taking of acknowledgments by clerks of county courts, with the substitute proposed by the house of delegates, was taken up, and, on motion of Mr. Hern-don, referred to the committee for courts of justice.

Mr. Fitzpatrick, from the committee on general laws, reported with amendments,

No. 95, Senate bill to amend and re-enact section 12, chapter 68 of the Code of Virginia (1860), so as the more effectually to require millers to grind for toll all grain brought to their mills for the consumption of the person bringing or sending it, or his family.

He, from the same committee, reported without amendment,

No. 90, Senate bill to establish the seals of the commonwealth.

And he, from the same committee, reported with an amendment,

No. 107, Senate bill to amend and re-enact sections 1, 3, 16, and 17 of chapter 130 of Acts of 1866-67, in relation to the charter of the town of Jonesville.

Mr. Thomas, from the committee on finance, reported with an amendment,

No. 37, House bill entitled an act to amend and re-enact section 63 of chapter 385 of Acts of 1871-72, as to collection of tax on coupons.

He, from the same committee, reported with amendments,

No. 45, House bill entitled an act to amend and re-enact sections 15, 16, and 17 of chapter 87 of the Code, with reference to sales of lands for taxes.

And he, from the same committee, presented

No 113, A bill to authorize the issue of revenue certificates for the redemption of matured coupons to bonds of the state, and to facilitate the collection of the revenue in the several counties of the state; which, on his motion, was taken up, read the first, and ordered to be read a second time.

Mr. Connally, by leave, presented

No. 114, A bill to authorize the issue of certificates of state debt to executors of Jacqueline P. Taylor for principal and interest of certain lost coupon bonds; which, on his motion, was read the first, and ordered to be read a second time, and referred to the committee on finance.

Mr. Roller, by leave, presented

No. 115, A bill to repeal the 60th and 61st sections of an act entitled an act imposing taxes for the support of government and free schools, and to pay the interest on the public debt; which, on his motion, was read the first, and ordered to be read a second time.

No. 16, Senate bill in relation to the lease of the penitentiary, was taken up, on motion of Mr. Greever, and read the second time; and, on his further motion, was laid on the table and made the order of the day for Thursday next, at one o'clock.

No. 50, Senate bill to amend and re-enact section 88 of chapter 162 of the Code of 1860, in regard to juries generally and the pay of jurors, was taken up, on motion of Mr. Lackland, and read the second time —when

Mr. Taylor of Loudoun made an unsuccessful motion to lay the bill on the table.

The bill was then ordered to be engrossed and read a third time.

Mr. Thomas offered the following preamble and joint resolution, which lie over under the rules:

Whereas, the treasurer of the commonwealth of Virginia, did, on the 4th day of March, 1869, issue a check, number 2,572, in favor of J. H. Greenlee, for the sum of one hundred and thirty-one dollars and fifty cents, on 1st National bank of Richmond; and whereas the same has not been paid, and there is good reason to believe said check is lost:

1. Resolved, by the general assembly of Virginia, That the treasurer is hereby authorized and instructed to issue a duplicate of check No. 2,572, being the number of warrant issued from second auditor's office, upon which the treasurer's check was issued, the 4th day of March, 1869, for the sum of one hundred and thirty-one dollars and fifty cents (\$131 50) in favor of J. H. Greenlee, upon the said J. H. Greenlee, or his attorney, filing bond with approved security in the office of the treasurer, in the sum of \$300, to indemnify the state against any loss that may be incurred thereby.

2. This resolution shall take effect from and after its adoption.

On motion of Mr. Thomas, the rules being suspended therefor, the resolutions were taken up and referred to the committee on finance.

On motion of Mr. Lackland,

Resolved, That the committee for courts of justice be instructed to enquire into the expediency of so amending section 2 of chapter 80 of the Code of 1860, as to authorize gifts, grants, devises, or bequests for literary purposes for the benefit of colored persons as well as white.

On motion of Mr. Ward,

Resolved, That the committee for courts of justice enquire into the expediency of repealing section 2 of chapter 256 of the Acts of Assembly of 1870-71, concerning warrants for small claims.

On motion of Mr. Lackland,

Resolved, That the committee on general laws be instructed to enquire into the expediency of so modifying the inspection laws as to permit the exportation of flour and meal without being first inspected in this state.

On motion of Mr. Lackland,

Resolved, That the committee on general laws be instructed to enquire into the expediency of treating and punishing as a misdemeanor the failure of any commission merchant or other bailee to pay over to his principal the proceeds of goods or other produce consigned to and sold by him.

On motion of Mr. Taylor of Loudoun,

Resolved, That the committee for courts of justice enquire into the expediency of amending the law so as to extend the jurisdiction of justices of the peace to the sum of \$100.

No. 68, Senate bill to provide for a board of equalization, being the unfinished business of yesterday, was taken up, and the pending question being on the motion to indefinitely postpone the bill, Mr. Kirkpatrick moved to lay the bill on the table and make it the order of the day for Tuesday next; and on this proposition

Mr. Roller demanded the pending question, which was ordered, and being put, was determined in the affirmative—ayes 25, noes 5.

On motion of Mr. Thomas, the vote was recorded as follows:

Ayes—Messrs. Anderson of Pittsylvania, Anderson of Rockbridge, Beazley, Boykin, Cochran, Connally, Grimsley, Herndon, Holladay, Johnson, Kirkpatrick, Lackland, Martin, Meem, Nowlin, Perrin, Pridemore, Quesenberry, Rixey, Robinson, Roller, Rue, Taylor of Loudoun, Terry, and Thomas—25.

Noes—Messrs. Greever, Massey, Norton, Smith, and Ward—5.

Mr. Martin moved that the senate adjourn; and the question being put thereon, was determined in the affirmative—ayes 19, noes 13.

On motion of Mr. Quesenberry, the vote was recorded as follows:

Ayes—Messrs. Anderson of Pittsylvania, Boykin, Connally, Fitzpatrick, Graham, Greever, Grimsley, Herndon, Johnson, Kirkpatrick, Lackland, Martin, Norton, Nowlin, Rixey, Rue, Smith, Thomas, and Ward—19.

Noes—Messrs. Anderson of Rockbridge, Beazley, Cochran, Holladay, Massey, Meem, Perrin, Pridemore, Quesenberry, Robinson, Roller, Taylor of Loudoun, and Terry—13.

The President announced the senate adjourned until to-morrow, twelve o'clock.

SATURDAY, JANUARY 11, 1873.

Prayer by Rev. Dr. Preston.

Mr. Johnson, from the committee of privileges and elections, reported without amendment,

No. 89, House bill entitled an act to prohibit the voters within the corporate limits of the city of Lynchburg from voting for county officers for the county of Campbell.

Mr. Herndon, from the committee for courts of justice, reported with amendments,

No. 106, Senate bill to remove certain causes commenced in the county courts to the circuit court, and for other purposes; which was subsequently taken up, on motion of Mr. Pridemore, read the second time, and the amendments proposed by the committee for Courts of Justice were agreed to, and the bill as amended was ordered to be engrossed and read a third time; and being forthwith engrossed, was, on his further motion (two-thirds concurring), read the third time and passed with its title.

Ordered, That the clerk inform the House of Delegates thereof and request their concurrence therein.

And he, from the same committee, reported without amendment,

No. 70, Senate bill to repeal chapter 256 of the Acts of 1870-71, entitled an act to amend and re-enact sections 6, 8, 14 and 15, and to repeal sections 7, 16, 17, and 18 of chapter 150 of the Code of Virginia (edition of 1860), concerning warrants for small claims, and to revive, amend, and re-enact sections 6, 7, 8, 14, 15, 16, 17, and 18 of chapter 150 of the Code of Virginia.

Mr. Thomas, from the committee on finance, presented

No. 116, A bill for the assessment of taxes on persons' property, income, licensees, &c.; which, on his motion, was taken up, read the first, and ordered to be read a second time.

Mr. Roller, from the committee on Banks, reported with amendments,

No. 85, House bill entitled an act releasing the Bank of Danville from the payment of its notes upon certain conditions.

Mr. Grimsley, from the committee on county, city, and town organizations, reported with the recommendation that it do not pass,

No. 93, Senate bill to amend and re-enact the 88rd and 84th sections of an act to amend and re-enact an act prescribing the duties and compensation of certain township officers, approved July 11th, 1870, and acts amendatory thereof, approved March 19th, 1872.

And he, from the same committee, reported without amendment,

No. 82, Senate bill to provide for the assessment and collection of State taxes within the town of Suffolk, Nansemond county.

Mr. Anderson of Pittsylvania, from the joint committee on printing, reported with amendments,

No. 69, Senate bill relating to the public printing and defining the duties of the Superintendent of Public Printing.

Mr. Nowlin, by leave, presented

The petition of citizens of Fancy Gap township, in the county of Carroll, praying an amendment to the school law; which, on his motion, was referred to the committee on public institutions.

No. 16, House bill entitled an act to amend and re-enact an act entitled an act to amend and re-enact an act entitled an act for the relief of the late sheriffs of the Commonwealth, approved February 21st, 1872, was taken up, on motion of Mr. Taylor of Loudoun; and,

On motion of Mr. Lackland, amended by striking out, in the 8th, 9th, and 10th lines, the words "eighteen hundred and sixty-five, after the surrender, and in the years eighteen hundred and sixty-six, eighteen hundred and sixty-seven."

The bill, as amended, was then read the third time, and the question on the passage thereof being put, was determined in the affirmative—ayes 18, noes 8.

On motion of Mr. Ward, the vote was recorded as follows:

Ayes—Messrs. Beazley, Fitzpatrick, Greene, Greever, Grimsley, Holladay, Lackland, Lathrop, Norton, Nowlin, Rixey, Roller, Rue, Stevens, Taylor of Loudoun, Thomas, Ward, and Wynne—18.

Noes—Messrs. Boykin, Johnson, Kirkpatrick, Perrin, Pridemore, Quesenberry, Smith, and Terry—8.

The title of the bill was then agreed to.

On motion of Mr. Roller, the rule being suspended therefor, it was

Ordered, That the clerk inform the House of Delegates thereof and request their concurrence in the amendment.

Mr. Ward moved to take up

No. 1, Senate bill to amend and re-enact an act entitled an act in relation to the interest on money, approved March 15th. 1870, so as to provide that six per cent. shall be the legal rate of interest; and the question being put thereon, was determined in the affirmative—ayes 20, noes 11.

On motion of Mr. Ward, the vote was recorded as follows:

Ayes—Messrs. Anderson of Pittsylvania, Beazley, Cochran, Fitzpatrick, Greever, Johnson, Lackland, Patterson, Perrin, Pridemore, Quesenberry, Rixey, Roller, Smith, Stevens, Taylor of Loudoun, Terry, Thomas, Ward, and Wynne—20.

Noes—Messrs. Anderson of Rockbridge, Boykin, Connally, Greene, Holladay, Kirkpatrick, Lathrop, Meem, Norton, Nowlin, and Rue—11.

Mr. Kirkpatrick moved to lay the bill on the table and make it the order of the day for Wednesday next, at one o'clock.

Mr. Roller moved to amend the motion so as to make it the order of the day for Monday next, and for each day thereafter until disposed of, which was agreed to; and the motion as amended was then agreed to.

No. 104, Senate bill to amend section 14 of chapter 19 of the Code of 1860, directing the committee on the Library to make purchases for the library, was taken up, on the motion of Mr. Wynne, read the first, and ordered to be read a second time.

No. 50, Senate bill to amend and re-enact section 33 of chapter 162 of the Code of 1860, in regard to juries generally and the pay of jurors, was taken up, read the third time, and the question on the passage thereof being put, was determined in the affirmative—ayes 28, noes none.

The vote was recorded as follows:

Ayes—Messrs. Anderson of Pittsylvania, Anderson of Rockbridge, Beazley, Boykin, Cochran, Connally, Fitzpatrick, Graham, Greene, Greever, Holladay, Johnson, Kirkpatrick, Lackland, Nowlin, Patterson, Perrin, Pridemore, Quesenberry, Rixey, Robinson, Roller, Smith, Taylor of Loudoun, Terry, Thomas, Ward, and Wynne—28.

Noes—none.

The title of the bill was then agreed to.

On motion of Mr. Lackland, it was

Ordered, That he inform the House of Delegates thereof and request their concurrence therein.

No. 14, House bill entitled an act to repeal an act passed May 19th, 1852, entitled an act to provide for the election of certain officers of the city of Norfolk by the qualified voters thereof, was taken up, and, on motion of Mr. Taylor of Loudoun, laid on the table.

No. 42, House bill entitled an act to amend and re-enact the 15th section of chapter 182 of the Code of 1860, and the several acts amendatory thereof, in relation to appeals, writs of error, and supersedeas, was taken up, and the amendments proposed by the committee for courts of justice were agreed to; and the bill, as amended, was read the third time and passed with its title.

Ordered, That the clerk inform the House of Delegates thereof and request their concurrence in the amendments.

No. 48, House bill entitled an act to authorize the Board of Public Works to sell the State's interest in the Upper Appomattox Company, was taken up, and the amendments proposed by the committee on roads and internal navigation were agreed to; and the bill, as amended, was read the third time, and the question on the passage thereof being put, was determined in the affirmative—ayes 24, noes 1.

The vote was recorded as follows:

Ayes—Messrs. Anderson of Pittsylvania, Anderson of Rockbridge, Beasley, Cochran, Fitzpatrick, Graham, Greever, Holladay, Johnson, Lackland, Lathrop, Martin, Massey, Norton, Nowlin, Pridemore, Quesenberry, Rixey, Smith, Stevens, Taylor of Loudoun, Terry, Ward, and Wynne—24.

No—Mr. Meem—1.

The title of the bill was then agreed to.

On motion of Mr. Taylor of Loudoun, the rule being suspended therefor, it was

Ordered, That the clerk inform the House of Delegates thereof and request their concurrence in the amendments.

No. 87, House bill entitled an act to amend and re-enact section 68 of chapter 385 of Acts of 1871-72, as to collection of tax on coupons,

was taken up, and the question being on agreeing to the amendment proposed by the committee on finance, on motion of Mr. Fitzpatrick, the bill was laid on the table.

A message was received from the House of Delegates by Mr. Head, who informed the Senate that that House had agreed to a joint resolution authorizing the payment of interest on the bonds of the State purchased with the agricultural land scrip, No. 71; which was taken up, on motion of Mr. Anderson of Rockbridge, read twice—and,

On motion of Mr. Quesenberry, referred to the committee on finance.

No. 45, House bill entitled an act to amend and re-enact sections 15, 16, and 17 of chapter 87 of the Code, with reference to sales of lands for taxes, was taken up, and the amendments proposed by the committee on finance were agreed to—when,

On motion of Mr. Roller, the bill was laid on the table.

No. 39, House bill entitled an act to prohibit the voters within the corporate limits of the city of Lynchburg from voting for county officers for the county of Campbell, was taken up, read the third time and passed with its title.

Ordered, That the clerk inform the House of Delegates thereof and request their concurrence therein.

No. 35, House bill entitled an act releasing the Bank of Danville from the payment of its notes upon certain conditions, was taken up, and the amendments proposed by the committee on Banks were agreed to; and the bill, as amended, was read the third time and passed with its title.

Ordered, That the clerk inform the House of Delegates thereof and request their concurrence in the amendments.

No. 77, Senate bill to amend and re-enact the 9th section of chapter 108 of the Code of 1860, in reference to marriages within prohibited degrees of relationship, was taken up, read the second, and ordered to be engrossed and read a third time.

No. 86, Senate bill so to amend and re-enact section 28, chapter 168 of the Code of Virginia (1860), as to provide for the enforcement of fines against delinquent clerks, was taken up, read the second, and ordered to be engrossed and read a third time.

No. 94. Senate bill to amend and re-enact sections 1 and 3 of an act entitled an act declaring certain streams in Charlotte county to be highways, approved March 25th, 1872, was taken up, read the second, and ordered to be engrossed and read a third time.

No. 96, Senate bill to enable the Presbyterian church of Harrisonburg, Rockingham county, to receive and hold a bequest under the will of Ann Davidson, deceased, was taken up, read the second, and ordered to be engrossed and read a third time.

No. 102, Senate bill to amend and re-enact sections 17 and 22 of an act amending the charter of the town of Harrisonburg, passed July 9th, 1870, was taken up, read the second, and ordered to be engrossed and read a third time.

On motion of Mr. Taylor of Loudoun,

Resolved, That the committee on general laws be instructed to en-

quire into the expediency of amending section 3 of chapter 341 of the Acts of Assembly of 1871-72, in relation to fences and for the protection of crops, so as to prohibit the residents of any incorporated town from voting upon the questions submitted under said section.

On motion of Mr. Greever,

Resolved, That the Superintendent of the Penitentiary be instructed to report to the Senate the average monthly sales of articles manufactured by the convicts in the penitentiary; also the nett profit arising from all sales for the fiscal year 1872.

Mr. Wynne offered the following resolution:

Resolved, That the committee for courts of justice be instructed to report an amendment to the laws now in force, making a breach of trust on the part of an agent or employee of private parties punishable in like manner as defalcations on the part of officers and employees of incorporated companies.

On motion of Mr. Taylor of Loudoun, the resolution was amended by striking out the words "report an amendment to," and inserting in lieu thereof the words "enquire into the expediency of so amending;" which was agreed to, and the resolution as amended was then agreed to.

No. 53, Senate bill to amend and re-enact an act to amend the 1st and 2nd sections of chapter 128, Code of 1860, in relation to leasing and selling lands of persons under disability, was taken up, read the second time—when

Mr. Fitzpatrick moved to lay the bill on the table—pending which,

On motion of Mr. Thomas, the Senate adjourned until Monday next, twelve o'clock.

MONDAY, JANUARY 13, 1873.

Mr. Thomas, President pro tempore, in the chair.

Prayer by Rev. Mr. Lumpkin of Manchester.

A communication from the House of Delegates, by their clerk, was read as follows:

In House of Delegates, January 11, 1873.

The House of Delegates has rejected Senate bill entitled an act to amend and re-enact section 40, chapter 49 of the Code of Virginia (1860), in regard to judgments by motions against officers and their sureties, No. 38; and have passed Senate bills entitled an act to incorporate the town of Potomac, No. 85; and an act to amend an act entitled an act authorizing the Board of Supervisors of Buckingham county, Virginia, to borrow money to re-build the court-house of said county, destroyed by fire, 1868, approved March 15th, 1871, No. 91.

They have receded from their 3rd and 5th amendments to Senate bill entitled an act to amend and re-enact section 4 of chapter 186 of the Code of 1860, in relation to docketing judgments and other liens of a like nature, No. 8; and have passed House bills entitled an act to amend and re-enact section 15, chapter 187 of the Code, as amended by

the act approved March 26th, 1872, in relation to writs of fieri facias, No. 58; an act to incorporate the town of New Castle, in the county of Craig, No. 62; and an act to incorporate the town of Lebanon, in Russell county, No. 64; in which bills they respectfully request the concurrence of the Senate.

No. 58, House bill entitled an act to amend and re-enact section 15, chapter 187 of the Code, as amended by the act approved March 26th, 1872, in relation to writs of fieri facias, was read twice, and referred to the committee for courts of justice.

No. 64, House bill entitled an act to incorporate the town of Lebanon, in Russell county, was read twice, and referred to the committee on county, city, and town organizations.

No. 62, House bill entitled an act to incorporate the town of New Castle, in the county of Craig, was read twice, and referred to the committee on county, city, and town organizations.

Mr. Fitzpatrick, from the committee on general laws, reported without amendment,

No. 41, House bill entitled an act to encourage agricultural and industrial fairs.

He, from the same committee, reported without amendment,

No. 60, House bill entitled an act to authorize the county court of Bedford county to order the sale of certain lands in said county, and apply the proceeds thereof to the completion of a church; which was subsequently taken up, on motion of Mr. Terry, read the third time and passed with its title.

Ordered, That the clerk inform the House of Delegates thereof.

He, from the same committee, presented

No. 117, A bill to amend and re-enact section 7 of an act entitled an act to protect the oyster beds in the waters of the Commonwealth, approved July 11th, 1870, so as to prevent the planting of oysters on natural beds or rocks.

And he, from the same committee, presented a report asking to be discharged from the further consideration of a resolution enquiring into the expediency of treating and punishing as a misdemeanor the failure of any commission merchant or other bailee to pay over to his principal the proceeds of goods, &c., and that the same be referred to the committee for courts of justice.

Mr. Cochran, from the committee on finance, reported without amendment,

Senate joint resolution instructing the Treasurer to issue a duplicate check, No. 2,572, to J. H. Greenlee.

And he, from the same committee, reported without amendment,

No. 111, Senate bill for the payment of the funeral expenses of Wm. S. Rohr, late an officer of the Senate.

Mr. Anderson of Rockbridge, from the committee on public institutions, reported with amendments,

No. 47, House bill entitled an act to amend and re-enact the 5th section of an act to appropriate the income arising from the proceeds of

the land scrip accruing to Virginia under act of Congress of July 2nd, 1862, and the acts amendatory thereof, approved March 19th, 1872.

On motion of Mr. Wynne, the amendments proposed by the committee on public institutions to Senate bill No. 16, in relation to the lease of the penitentiary, were ordered to be printed.

Mr. Stevens, by leave, presented

No. 118, A bill to amend and re-enact section 15 of an act entitled an act to establish and maintain a uniform system of public free schools, approved July 11th, 1870; which, on his motion, was read the first, and ordered to be read a second time, and referred to the committee on public institutions.

On motion of Mr. Quesenberry,

Resolved, That the committee on roads and internal navigation enquire into the expediency of authorizing the Board of Public Works to sell the State's interest in the Richmond, Fredericksburg, and Potomac railroad.

On motion of Mr. Massey,

Resolved, That the Auditor of Public Accounts be instructed to furnish the Senate an itemised statement of the amount embraced in his report as drawn from the civil contingent fund on account of Executive orders.

On motion of Mr. Quesenberry, indefinite leave of absence was granted Mr. Penn.

On motion of Mr. Anderson of Pittsylvania,

Resolved, That the committee on public institutions enquire into the expediency of providing by law for a per diem compensation to school trustees, to be paid out of the district school fund.

On motion of Mr. Lackland,

Resolved, That the joint committee on constitutional amendments enquire into the expediency of so amending the present Constitution as to provide that each county of the State shall have at least one representative of its own in the House of Delegates.

On motion of Mr. Lackland,

Resolved, That the joint committee on constitutional amendments enquire into the expediency of so amending section 2, article 8 of the Constitution, in regard to public free schools, as to provide that each county shall have its own superintendent, and that he shall be elected by the people of such county instead of being appointed by the Board of Education.

Mr. Thomas presented a petition of citizens of Mt. Vernon township, Fauquier county, asking for a repeal of the fence law in that township; which, on his motion, was referred to the committee on general laws.

A communication from the Governor in response to a resolution of the Senate requesting him to give to the General Assembly his views as to the best mode of raising money to pay the interest on the public debt and defray the expenses of the State, &c., was communicated to the Senate by his secretary, Col. Owens; which was taken up, on motion of Mr. Meem; and, on his further motion, was laid on the table and ordered to be printed.

On motion of Mr. Taylor of Loudoun, two hundred and fifty in addition to the usual of number copies were ordered to be printed for the use Senate. (Doc. No. 8.)

No. 1, Senate bill to amend and re-enact an act entitled an act in relation to the interest on money, approved March 15th, 1870, so as to provide that six per cent. shall be the legal rate of interest, being the order of the day, was taken up, on motion of Mr. Ward; and,

On motion of Mr. Greene, the consideration of the bill was postponed for a half hour.

On motion of Mr. Greene,

Resolved, That the committee on roads and internal navigation be discharged from consideration of Senate bill No. 7, and that the Senator from Petersburg have leave to withdraw it.

Mr. Greene offered the following preamble and resolution:

Whereas it is the judgment of the Senate that Senate bill No. 85, entitled a bill to amend the charter of the Petersburg Railroad Company is not subject to be taxed under the 61st section of the act approved April 5th, 1872, entitled an act imposing taxes for the support of the government, &c., &c.; therefore

Resolved, That the committee on roads and internal navigation be and they are hereby instructed to proceed to consider and report upon said Senate bill, No. 35; and that the same be printed.

Mr. Taylor of Norfolk city moved to lay the preamble and resolution on the table; and on this proposition

Mr. Greene demanded the pending question, which was ordered; and being put, was determined in the affirmative—ayes 19, noes 6.

On motion of Mr. Greene, the vote was recorded as follows:

Ayes—Messrs. Anderson of Rockbridge, Cochran, Fitzpatrick, Greer, Holladay, Johnson, Kirkpatrick, Lackland, Martin, Meem, Norton, Nowlin, Pridemore, Rixey, Smith, Taylor of Loudoun, Taylor of Norfolk city, Terry, and Ward—19.

Noes—Messrs. Connally, Greene, Massey, Quesenberry, Thomas, and Wynne—6

Mr. Greene offered the following preamble and resolution, which were agreed to:

Whereas it appears by the receipt of the Treasurer of the State of Virginia that the Petersburg Railroad Company has paid into the treasury the sum of \$5,047 50, being the amount of tax assessed by the Auditor of Public Accounts on Senate bill No. 35, entitled a bill to amend the charter of the Petersburg Railroad Company, proposed in the Senate on the 10th day of December, 1872, by the Senator from Petersburg; therefore

Resolved, That the committee on roads and internal navigation be and they are hereby instructed to proceed to consider and report upon said Senate bill, No. 35; and that the same be printed.

No. 61, Senate bill to authorize the Supervisors of Caroline county to grant a lot of land in the town of Port Royal to the Baptist church, was taken up, read the second, and ordered to be engrossed and read a third time.

Mr. Roller, by leave, presented

No. 119. A bill to amend and re-enact the 1st and 2nd sections of the act entitled an act to incorporate the Virginia and Northwestern railroad company; which, on his motion, was read the first, and ordered to be read a second time, and referred to the committee on roads and internal navigation.

No. 1. Senate bill to amend and re-enact an act entitled an act in relation to the interest on money, approved March 15th, 1870, so as to provide that six per cent. shall be the legal rate of interest (the half-hour having expired), was taken up; and the question being on agreeing to the amendment heretofore offered by Mr. Hundley, which is in these words: "Insert after the word 'time,' in the third line of 4th section, the words 'except upon bonds, notes, or other evidences of debt falling due at twelve months' time and over, and upon these eight per cent. upon each hundred dollars for one year, and proportionably for a greater or less sum, may be charged by special contract in writing,'"

Mr. Lackland moved to amend (by way of substitute) the said amendment, by inserting after the word "time," in the third line of 4th section, the words "and no person, upon any contract, shall take for the loan or forbearance of money or other thing, above the value of such rate."

The question on agreeing to the substitute being put, was determined in the negative—ayes 12, noes 16.

On motion of Mr. Pridemore, the vote was recorded as follows:

Ayes—Messrs. Beazley, Cochran, Fitzpatrick, Greever, Johnson, Lackland, Pridemore, Quesenberry, Smith, Taylor of Loudoun, Thomas, and Ward—12.

Noes—Messrs. Anderson of Pittsylvania, Anderson of Rockbridge, Connally, Graham, Greene, Holladay, Kirkpatrick, Martin, Meem, Norton, Nowlin, Rixey, Stevens, Taylor of Norfolk city, Terry, and Wynne—16.

The question recurring on agreeing to the amendment proposed by Mr. Hundley,

Mr. Pridemore moved to amend the same by striking out the words "falling due at twelve months' time and over;" and the question being put thereon, was determined in the affirmative.

The question on agreeing to the amendment as amended being put, was determined in the negative.

Mr. Kirkpatrick moved to amend the bill by striking out the whole of the 4th section, and inserting in lieu thereof the words

"§ 4. Legal interest shall continue to be at the rate of six dollars upon one hundred dollars for a year, and proportionably for a greater or less sum, or for a longer or shorter time; but it shall be lawful to receive any rate of interest, not exceeding nine per centum per annum, which may be agreed upon by the original parties thereto, and be specified in the bond, note, or other writing evidencing the debt"—pending which,

On motion of Mr. Ward, the senate adjourned until to-morrow, twelve o'clock.

TUESDAY, JANUARY 14, 1873.

Prayer by Rev. Wm. G. Lumpkin.

A communication from the House of Delegates, by their clerk, was read as follows:

In House of Delegates, January 13, 1873.

The House of Delegates have passed Senate bills entitled an act to authorize the collector of Pungoteague township to collect the district school taxes for the year 1871, No. 25; and an act to provide for the removal of certain causes from the docket of the special court of appeals to the docket of the supreme court of appeals, No. 99.

They have passed House bills entitled an act to amend and re-enact sections 63 and 77 of an act entitled an act to amend and re-enact an act prescribing the duties and compensation of certain township officers, approved July 11th, 1870, and acts amendatory thereof, approved March 17th, 1872, No. 63; and an act to amend and re-enact an act entitled an act to prescribe the times for holding the circuit courts of the State, in force 19th of March, 1872, No. 57; in which they respectfully request the concurrence of the Senate.

No. 63, House bill entitled an act to amend and re-enact sections 63 and 77 of an act entitled an act to amend and re-enact an act prescribing the duties and compensation of certain township officers, approved July 11th, 1870, and acts amendatory thereof, approved March 17th, 1872, was read twice and referred to the committee on county, city, and town organizations.

No. 57, House bill entitled an act to amend and re-enact an act entitled an act to prescribe the times for holding the circuit courts of the State, in force 19th March, 1872, was read twice, and referred to the committee for courts of justice.

Mr. Herndon, from the committee for courts of justice, reported with the recommendation that the Senate agree to House substitute with amendments,

No. 62, Senate bill entitled an act in relation to the taking of acknowledgments by clerks of county courts.

He, from the same committee, reported with amendments,

No. 84, Senate bill to preserve all rights and remedies imperiled or destroyed by the loss or destruction (during the late war) of papers filed in the various public offices of the Commonwealth.

He, from the same committee, reported without amendment,

No. 110, Senate bill to amend and re-enact section 8, chapter 186 of the Code of Virginia, as amended and re-enacted by chapter 175 of the Session Acts of 1871-72, in regard to judgment liens.

And he, from the same committee, presented

Joint resolution instructing the Auditor of Public Accounts to subject the property of the Chesapeake and Ohio railroad company to the payment of taxes due and in arrear.

Mr. Greene, by leave, presented

No. 120, A bill to amend and re-enact section 7 of chapter 144 of the Code of Virginia (1860), as to what bills, notes, etc., are negotiable; which, on his motion, was read the first, and ordered to be read a second time, and referred to the committee for courts of justice.

No. 61, Senate bill to authorize the Supervisors of Caroline county to grant a lot of land in the town of Port Royal to the Baptist church, was taken up, on motion of Mr. Quesenberry, read a third time and passed with its title.

On motion of Mr. Quesenberry, it was

Ordered, That he inform the House of Delegates thereof.

No. 41, House bill entitled an act to encourage agricultural and industrial fairs, was taken up, on motion of Mr. Taylor of Loudoun—when

Mr. Anderson moved to amend the same by inserting after the word "commodity," in the 1st section, the words "other than wine, ardent spirits, or a mixture thereof."

The question on agreeing thereto being put, was determined in the negative.

The bill was then read the third time and passed with its title.

On motion of Mr. Taylor of Loudoun, it was

Ordered, That he inform the House of Delegates thereof.

No. 104, Senate bill to amend section 14 of chapter 19 of the Code of 1860, directing the committee on the library to make purchases for the library, was taken up, on motion of Mr. Wynne, read the second, and ordered to be engrossed and read a third time; and being forthwith engrossed, he moved that it have its third reading to-day, and the question being put thereon, was determined (for want of a two-thirds vote) in the negative.

Mr. Herndon, by leave, presented

No. 121, A bill to amend section 5 of chapter 125 of the Code of 1860, in relation to the maintenance of illegitimate children; which, on his motion, was read the first, and ordered to be read a second time, and referred to the committee for courts of justice.

Mr. Herndon, by leave, presented

No. 122, A bill providing for making, publishing, and selling county maps; which, on his motion, was read the first, and ordered to be read a second time, and referred to the committee on the library.

Mr. Roller, by leave, presented

No. 123, A bill to amend and re-enact sections 1, 2, 3, 4, 5, 6, 7, 15, 17, 19, 20, 21, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 42, 43, 44, 45, and 48 of chapter 52 of the Code of Virginia (edition of 1860), in relation to county roads, so as to make the provisions of the chapter conform to the Constitution; which, on his motion, was read the first, and ordered to be read a second time, and referred to the committee on county, city, and town organizations.

Mr. Lackland presented the petition of C. C. Carper and sundry other citizens of Craig county, asking the passage of a joint resolution requesting Congress to amend the Bankrupt act, so as to allow to citizens of Virginia taking its benefits the exemptions enumerated in the

Homestead clause of the State Constitution ; and, in connection therewith, he offered the following preamble and joint resolutions, which lie over under the rules :

Whereas the General Assembly, at its last regular session, passed a joint resolution respectfully requesting the Congress of the United States to amend the Bankrupt act in such manner as would secure to persons taking its benefits in Virginia an exemption equal in amount to that allowed by the homestead act of this State ; and

Whereas Congress did afterwards amend the said Bankrupt act by allowing to the bankrupt additional property "to an amount not exceeding that allowed by the State exemption laws in the year 1871, instead of the year 1864 ; " and

Whereas, at the time of the passage of said joint resolution, it was believed that the Constitution and Homestead act of this State defined correctly the exemptions to which a householder or head of a family was, in all cases, entitled ; but, under decisions made since that time, both by the State and Federal tribunals, the said Homestead act, as well as the homestead provisions of the Constitution, have been declared null and void as to debts contracted before the adoption of said Constitution ; and while the correctness of these decisions as denying to a State the right to impair the obligation of a contract is not questioned, there can be no doubt as to the right of Congress to prescribe, in cases of bankruptcy, any exemptions which it may think proper to grant ; therefore, in order more effectually to carry out the true object and design sought to be accomplished by the aforesaid joint resolution, passed at the last session,

1. Resolved by the Senate (the House of Delegates concurring), That the Congress of the United States be respectfully requested so to amend the Bankrupt act as will secure to householders and heads of families taking its benefits in Virginia the exemptions which are specifically enumerated and set forth in article 1 of the State Constitution and in the Homestead act of this State.

2. Resolved, That a copy of the foregoing resolution be transmitted to Congress, and that our Senators be instructed and our Representatives requested to take such steps as they may deem best to secure the said amendment.

Mr. Roller offered the following preamble and joint resolutions, which lie over under the rules :

Whereas the amount of internal revenue taxes annually collected by the national government in the State of Virginia upon subjects of taxation other than spirituous liquors and tobacco amount to more than one million of dollars ; and

Whereas the removal of said taxes would enable the General Assembly of Virginia to avail themselves of this immense revenue for the purposes of the State in the support of government and free schools and in the payment of the public State debt ; and

Whereas the removal of all internal revenue taxes and the abolition of the entire internal revenue system would be most acceptable and is of the greatest importance to the people of this State ; therefore,

1. Resolved, That the Senators from this State be instructed and the Representatives in Congress be requested to use their influence to secure the removal or material modification of the national internal revenue taxes and the system of their collection.

2. Resolved, That the Governor be requested to forward a copy of these resolutions to each Senator and Representative in Congress from this State.

On motion of Mr. Roller (the rule being suspended therefor), the resolutions were taken up, and referred to the committee on federal relations.

Mr. Herndon offered the following joint resolution, which lies over under the rules:

Resolved (the House of Delegates concurring), That the Keeper of Rolls shall annually publish, as an appendix to the Acts of the General Assembly, a list of the senators and members of the House of Delegates, and the districts, counties, and corporations represented by them; also a list of the judges of the supreme court and the circuit and county judges, with the post office address of said senators, delegates, and judges, and biennially the Constitution of the State, with amendments thereto.

On motion of Mr. Herndon,

Resolved, That the committee on constitutional amendments enquire into the expediency of amending article 7, sections 1 and 2, in relation to county and township organization, so as to abolish the offices of county treasurer and township collectors, and requiring the sheriffs to collect all State and county revenue.

On motion of Mr. Lackland,

Resolved, That the committee on public institutions enquire and report whether any, and if any, what, additional legislation is practicable in order to secure more effectually the benefits of free school education to the families of tax payers or other citizens residing in counties or school districts which are sparsely populated.

On motion of Mr. Thomas,

Resolved, That the Clerk of the Senate cause to be printed and distributed on each Monday morning of the session a calendar showing the status of the business before the Senate.

On motion of Mr. Massey,

Resolved, That the Board of Public Works be instructed to furnish the Senate such information as it may possess of the financial condition of the Richmond and York River Railroad Company, and why that company has not paid the State taxes imposed on railroad companies of the State; reference to the Auditor's report showing no taxes from said company or any mention of its pecuniary condition.

No. 1, Senate bill to amend and re-enact an act entitled an act in relation to the interest on money, approved March 15th, 1870, so as to provide that six per cent. shall be the legal rate of interest, being the unfinished order of yesterday was taken up, and the pending question being on agreeing to the amendment offered by Mr. Kirkpatrick,

On motion of Mr. Anderson of Rockbridge, the Senate adjourned until to-morrow, twelve o'clock.

WEDNESDAY, JANUARY 15, 1873.

Prayer by Rev. Wm. G. Lumpkin.

A communication from the House of Delegates, by their clerk, was read as follows:

In House of Delegates, January 14, 1873.

The House of Delegates have passed Senate bill entitled an act to provide for the collection of the revenue of the city of Norfolk for the year 1872, No. 41; and have rejected Senate bill entitled an act to extend the time within which the assessors of Amelia county, appointed under an act for the re-assessment of lands in the Commonwealth, in force February 1st, 1872, may return copies of their assessments, No. 44.

They have passed House bills entitled an act to incorporate the Mangorike Wharf Company on the Rappahannock river, No. 68; an act providing for an accurate map of the several counties of the Commonwealth, No. 80; an act to amend and re-enact an act entitled an act to authorize the trustees of Strasburg Academy, in Shenandoah county, to sell a certain lot of land, No. 90; an act to declare James River and Kanawha Canal, in the county of Amherst, a lawful fence, No. 98; and an act to declare James River and Towing Path, opposite the Combined Lock, a lawful fence in the county of Amherst, No. 99; and have agreed to House joint resolution in relation to appointment of commissioners to ascertain and define the boundary line between Virginia and West Virginia, No. 84; in which bills and joint resolution they respectfully request the concurrence of the Senate.

No. 68, House bill entitled an act to incorporate the Mangorike Wharf Company, was read twice, and referred to the committee on general laws.

No. 80, House bill entitled an act providing for an accurate map of the several counties of the Commonwealth, was read twice, and referred to the committee on county, city, and town organizations.

No. 84, House joint resolution entitled joint resolution in relation to appointment of commissioners to ascertain and define the boundary line between Virginia and West Virginia, was taken up, twice read, and referred to the committee on federal relations.

No. 90, House bill entitled an act to amend and re-enact an act entitled an act to authorize the trustees of Strasburg Academy, in Shenandoah county, to sell a certain lot of land, was taken up, twice read, and referred to the committee on public institutions.

No. 98, House bill entitled an act to declare James River and Kanawha Canal, in the county of Amherst, a lawful fence, was read twice, and referred to the committee on general laws.

No. 99, House bill entitled an act to declare James River and Towing Path, opposite the Combined Lock, a lawful fence in the county of Amherst, was read twice, and referred to the committee on general laws.

The President laid before the Senate a communication from the Super-

intendent of the Penitentiary in response to a resolution of the Senate calling for a statement of the monthly sales of articles manufactured at that institution, and the nett profit arising from all sales for the fiscal year 1872; which, on motion of Mr. Taylor of Loudoun, was laid on the table and ordered to be printed. (Doc. No. 9.)

Mr. Thomas, from the committee on finance, reported without amendment,

No. 114, Senate bill to authorize the issue of certificates of State debt to the executors of Jacqueline P. Taylor, for principal and interest of certain lost coupon bonds.

He, from the same committee, presented a report declaring it inexpedient to legislate on the subject of the following resolution, the same being forbidden by the Constitution:

Resolution enquiring into the expediency of authorizing State lotteries for the purpose of raising money for public free schools, &c.

And he, from the same committee, reported with a substitute therefor,

No. 71, House joint resolution authorizing the payment of interest on the bonds of the State purchased with the agricultural land scrip.

Mr. Grimsley, from the committee on county, city, and town organizations, reported without amendment,

No. 89, Senate bill to amend section 81 of an act approved March 19th, 1872, entitled an act to amend and re-enact an act prescribing the duties and compensation of certain township officers, approved July 11th, 1870, and acts amendatory thereof.

He, from the same committee, reported without amendment,

No. 62, House bill entitled an act to incorporate the town of New Castle, in the county of Craig.

And he, from the same committee, reported with an amendment,

No. 64, House bill entitled an act to incorporate the town of Lebanon, in Russell county.

Mr. Wynne, from the committee on the library, reported without amendment,

No. 122, Senate bill providing for making, publishing, and selling county maps.

The report of the committee on general laws asking to be discharged from the further consideration of a resolution as to the expediency of treating and punishing as a misdemeanor the failure of a commission merchant to pay over the proceeds of goods consigned to him, &c., and that the same be referred to the committee for courts of justice, was taken up, on motion of Mr. Lackland, and the report agreed to.

On motion of Mr. Nowlin,

Resolved, That the committee on public institutions enquire into the expediency of so amending the public school law of this State as to require the Second Auditor to pay to the Treasurer of each county the full amount of such county's share of the public school funds by the 31st of August in each year.

Mr. Thomas moved to take up

No. 37, House bill entitled an act to amend and re-enact section 63 of chapter 385 of Acts of 1871-72, as to collection of tax on coupons—pending which

Mr. Ward called for the order of the day, being

No. 1, Senate bill to amend and re-enact an act entitled an act in relation to the interest on money, approved March 15th, 1870, so as to provide that six per cent. shall be the legal rate of interest.

Mr. Thomas moved to postpone the consideration of the order of the day until House bill No. 37 is disposed of; and on this proposition.

Mr. Boykin demanded the pending question; which was ordered, and being put, was determined in the negative—ayes 16, noes 18.

On motion of Mr. Quesenberry, the vote was recorded as follows:

Ayes—Messrs. Anderson of Pittsylvania, Anderson of Rockbridge, Beazley, Boykin, Connally, Herndon, Holladay, Johnson, Kirkpatrick, Meem, Perrin, Taylor of Loudoun, Taylor of Norfolk city, Terry, Thomas, and Wynne—16.

Noes—Messrs. Cochran, Graham, Greene, Greever, Lackland, Martin, Norton, Nowlin, Patterson, Pridemore, Quesenberry, Rixey, Robinson, Roller, Rue, Smith, Stevens, and Ward—18.

No. 1, Senate bill to amend and re-enact an act entitled an act in relation to the interest on money, approved March 15th, 1870, so as to provide that six per cent. shall be the legal rate of interest, was then taken up, and the pending question being on agreeing to the amendment offered by Mr. Kirkpatrick, which is in the nature of a substitute for the 4th section of the bill, was put, and determined in the negative—ayes 12, noes 19.

On motion of Mr. Taylor of Loudoun, the vote was recorded as follows:

Ayes—Messrs. Anderson of Pittsylvania, Anderson of Rockbridge, Boykin, Connally, Herndon, Kirkpatrick, Martin, Nowlin, Perrin, Taylor of Norfolk city, Terry, and Wynne—12.

Noes—Messrs. Beazley, Cochran, Fitzpatrick, Greever, Grimsley, Johnson, Lackland, Norton, Pridemore, Quesenberry, Rixey, Robinson, Roller, Rue, Smith, Stevens, Taylor of Loudoun, Thomas, and Ward—19.

On motion of Mr. Lackland, the Senate adjourned until to-morrow, twelve o'clock.

THURSDAY, JANUARY 16, 1873.

Prayer by Rev. W. G. Lumpkin.

A communication from the House of Delegates, by their clerk, was read as follows:

In House of Delegates, January 15, 1873.

The House of Delegates has passed Senate bill entitled an act to authorize the supervisors of Caroline county to grant a lot of land in the

town of Port Royal to the Baptist church, No. 61; and have passed House bills entitled an act to amend and re-enact sections 22, 23, 24, 25, 26, and 27 of chapter 85 of the Code of 1860, in relation to the examination of persons suspected of lunacy, No. 74; an act to authorize the Washington City, Alexandria, Lynchburg and North Carolina Railroad Company to acquire and sell lands, No. 78; an act to authorize the Virginia and North Carolina Railroad Company to assume and be known by the name of the Washington City, Alexandria, Lynchburg and North Carolina Railroad Company, No. 75; an act to authorize the Washington City, Alexandria, Lynchburg and North Carolina Railroad Company, to issue bonds to provide for the payment of the bonds and debts of the Orange, Alexandria and Manassas Railroad Company, and of the Lynchburg and Danville Railroad Company, and for other purposes, No. 76; an act to authorize the Washington City, Alexandria, Lynchburg and North Carolina Railroad Company to extend its railway from Alexandria to a point on the Potomac river opposite or near to or above the cities of Washington or Georgetown, No. 77; an act to amend the charter of the town of Berryville, as contained in the acts approved the 29th of October, 1870, and the 23rd March, 1871, No. 86; an act to amend and re-enact the 16th section of the 87th chapter of the Code of Virginia, in relation to inspections of tobacco, No. 87; and an act to amend section 33 of chapter 162 and section 10 of chapter 208 of the Code of Virginia (edition of 1860), in relation to the pay of jurors, No. 92; in which bills they respectfully request the concurrence of the Senate.

No. 74, House bill entitled an act to amend and re-enact sections 22, 23, 24, 25, 26, and 27 of chapter 85 of the Code of 1860, in relation to the examination of persons suspected of lunacy, was read twice, and referred to the committee on public institutions.

No. 78, House bill entitled an act to authorize the Washington City, Alexandria, Lynchburg and North Carolina Railroad Company to acquire and sell lands, was read twice, and referred to the committee on roads and internal navigation.

No. 75, House bill entitled an act to authorize the Virginia and North Carolina Railroad Company to assume and be known by the name of Washington City, Alexandria, Lynchburg and North Carolina Railroad Company, was read twice, and referred to the committee on roads and internal navigation.

No. 76, House bill entitled an act to authorize the Washington City, Alexandria, Lynchburg and North Carolina Railroad Company to issue bonds to provide for the payment of the bonds and debts of the Orange, Alexandria and Manassas Railroad Company, and of the Lynchburg and Danville Railroad Company, and for other purposes, was read twice, and referred to the committee on roads and internal navigation.

No. 77, House bill entitled an act to authorize the Washington City, Alexandria, Lynchburg and North Carolina Railroad Company to extend its railway from Alexandria to a point on the Potomac river opposite or near to or above the cities of Washington or Georgetown, was read twice, and referred to the committee on roads and internal navigation.

No. 86, House bill entitled an act to amend the charter of the town of Berryville, as contained in the acts approved the 29th of October, 1870, and the 23rd of March, 1871, was read twice, and referred to the committee on county, city, and town organizations.

No. 87, House bill entitled an act to amend and re-enact the 16th section of the 87th chapter of the Code of Virginia, in relation to inspection of tobacco, was twice read, and referred to the committee on general laws.

No. 92, House bill entitled an act to amend section 33 of chapter 162 and section 10 of chapter 208 of the Code of Virginia (edition of 1860), in relation to the pay of jurors, was twice read, and referred to the committee for courts of justice.

Mr. Herndon, from the committee for courts of justice, reported with a recommendation that it do not pass,

No. 76, Senate bill in regard to weapons.

And he, from the same committee, presented

No. 124, A bill to prevent the seduction of females, and amending and re-enacting the 16th section of chapter 191, in reference to the abduction of females.

Mr. Taylor of Norfolk city, from the committee on roads and internal navigation, reported without amendment,

No. 101, Senate bill to authorize the Liberty and Rocky Mount Narrow Gauge Railroad Company to extend its road from Rocky Mount to the North Carolina line.

Mr. Anderson of Rockbridge, from the committee on public institutions, reported with amendments,

No. 53, House bill entitled an act to incorporate the Society of the Alumni of the University of Virginia.

Mr. Anderson, from the same committee, presented

Joint resolution in relation to the removal of the penitentiary.

A message was received from the House of Delegates by Mr. Fitzgerald, who informed the Senate that that House had agreed to a joint resolution fixing Thursday, 23rd inst., at one o'clock, for election of a county judge for Roanoke.

Mr. Roller, by leave, presented

No. 125, A bill to amend and re-enact section 47 of an act entitled an act to amend and re-enact the 47th section of chapter 58 of the Code of Virginia (edition of 1860), as amended by an act entitled an act making certain banks of the city of Richmond depositories of public money, passed April 29th, 1867, and the act approved March 29th, 1871, so as to establish such depositories in the city of Richmond; which, on his motion, was read the first, and ordered to be read a second time, and referred to the committee on finance.

Mr. Roller, by leave, presented

Petition of M. Lindon and others, citizens of Rockingham county, asking that the law in relation to the sale of spirituous liquors be amended so as to include in those required to obtain a special license parties selling brandy-peaches, &c.; which, on his motion, was referred to the committee on finance.

Mr. Smith, by leave, presented

No. 126, A bill to repeal chapter 89 of the Code of 1860, so far as it applies to Russell county; which, on his motion, was read the first, and ordered to be read a second time, and referred to the committee on general laws.

Mr. Greene, by leave, presented

No. 127, A bill to amend and re-enact section 7 of an act entitled an act to provide for the general registration of voters, approved April 12th, 1870, as amended by the act approved March 14th, 1872, in relation to the general registration of voters; which, on his motion, was read the first, and ordered to be read a second time, and referred to the committee on privileges and elections.

Mr. Nowlin, by leave, presented

No. 128, A bill to amend and re-enact section 4 of chapter 169 of the Code of Virginia (edition of 1860), in regard to writs of mandamus, prohibition, and certiorari; which, on his motion, was read the first, and ordered to be read a second time, and referred to the committee for courts of justice.

Mr. Graham, by leave, presented

No. 129, A bill to amend and re-enact section 47 of an act entitled an act to amend and re-enact the 47th section of chapter 58 of the Code of Virginia (edition of 1860), as amended by an act entitled an act making certain banks of the city of Richmond depositories of public money, passed April 29th, 1867, and the act approved March 29th, 1871, so as to establish such depositories in the city of Richmond; which, on his motion, was read the first, and ordered to be read a second time, and referred to the committee on finance.

Mr. Pridemore, by leave, presented

No. 130, A bill to empower the circuit court of Wise county to direct the sale of certain lands belonging to the State of Virginia, situated in said county of Wise, and providing for the conveyance of the same to the purchasers thereof, and for other purposes; which, on his motion, was read the first, and ordered to be read a second time, and referred to the committee on finance.

Mr. Grimsley presented resolutions adopted by the Executive Committee of Virginia State Agricultural Society; and, on his motion, the first and fourth of said resolutions were referred to the committee on general laws, and the second and third resolutions were referred to the committee on immigration.

Mr. Fitzpatrick, by leave, presented

No. 131, A bill to establish a Bureau of Insurance; which, on his motion, was read the first, and ordered to be read a second time, and referred to the committee on general laws.

Mr. Rue, by leave, presented

No. 132, A bill to authorize the township Board of Tanner's Creek Township to contract annually for keeping in repair the public roads in district No. 1, in said township; which, on his motion, was read the first, and ordered to be read a second time, and referred to the committee on county, city, and town organizations.

On motion of Mr. Thomas,

Resolved, That the committee for courts of justice be instructed to enquire into the expediency of amending 3rd section of the act passed March 3rd, 1866, providing for adjustment of liabilities, &c., so as to provide that the relief afforded thereby to judgments upon certain contracts obtained between 1st January, 1862, and 10th April, 1865, be applied to all judgments upon such contracts whenever rendered.

Mr. Cochran offered the following preamble and joint resolution, which lie over under the rules:

Whereas the tax of ten per cent. imposed by law upon notes of circulation of State banks and banking associations amounts to a practical inhibition of the privilege of issuing notes of circulation; and whereas the present circulation of limited State treasury notes and the notes of national banks in Virginia is wholly inadequate to meet the demands of development and trade; and whereas the rates of interest charged by said banks are greatly in excess of the nett value of the agricultural products of the State; and whereas it is the desire of the General Assembly of Virginia to increase the volume of currency and cheapen the rates of interest by the establishment of State banks of circulation; therefore,

1. Resolved (the House of Delegates concurring), That the Congress of the United States be respectfully requested to amend an act entitled an act to provide internal revenue to support the government, to pay interest on the public debt, and for other purposes, approved June 30th, 1864, so as to exempt Virginia from the tax imposed by said act upon notes of circulation of State banks or State banking associations.

2. Resolved, That our Senators be instructed and our Representatives in Congress be requested to use their influence to obtain the passage of a bill securing said amendment.

3. Resolved, That the Governor be requested to forward a copy of these resolutions to the Congress of the United States, and a copy to each Senator and Representative from the State of Virginia.

Mr. Boykin moved to take up

No. 37, House bill entitled an act to amend and re-enact section 63 of chapter 385 of Acts of 1871-72, as to collection of tax on coupons; and the question being put thereon, was determined in the affirmative—ayes 18, noes 17.

On motion of Mr. Quesenberry, the vote was recorded as follows:

Ayes—Messrs. Anderson of Pittsylvania, Anderson of Rockbridge, Beazley, Boykin, Connally, Greene, Herndon, Holladay, Johnson, Kirkpatrick, Lewis, Meem, Perrin, Taylor of Loudoun, Taylor of Norfolk city, Terry, Thomas, and Wynne—18.

Noes—Messrs. Fitzpatrick, French, Greever, Hundley, Lackland, Martin, Norton, Nowlin, Patterson, Pridemore, Quesenberry, Rixey, Robinson, Roller, Rue, Smith, and Ward—17.

The pending question being on agreeing to the amendment proposed by the committee on finance was put, and determined in the negative.

Mr. Roller moved to amend the bill by inserting after the word "shall," in the 15th line of 63rd amended section, the words "as soon

as he is authorized under the law to receive the same;" and the question being put thereon, was determined in the affirmative—ayes 20, noes 18.

On motion of Mr. Quesenberry, the vote was recorded as follows:

Ayes—Messrs. Cochran, Fitzpatrick, French, Greene, Greever, Hundley, Lackland, Martin, Norton, Nowlin, Nutting, Patterson, Pride-more, Quesenberry, Rixey, Robinson, Roller, Rue, Smith, and Ward—20.

Noes—Messrs. Anderson of Pittsylvania, Anderson of Rockbridge, Beazley, Boykin, Connally, Grimsley, Herndon, Holladay, Johnson, Kirkpatrick, Lewis, Meem, Perrin, Taylor of Loudoun, Taylor of Norfolk city, Terry, Thomas, and Wynne—18.

On motion of Mr. Fitzpatrick, the 63rd amended section was further amended by striking out the word "April," in the 11th line, and inserting in lieu thereof the word "February."

Mr. Thomas moved further to amend the bill by inserting after Mr. Roller's amendment the words "and said officers are directed to apply the provisions of this act to the coupons required by the decision of the supreme court of appeals to be received in payment of debts and taxes due the State"—pending which,

Mr. Fitzpatrick moved to lay the bill on the table for the purpose of proceeding to the consideration of the order of the day—pending which

Mr. Patterson moved that the Senate do now adjourn; and the question being put thereon, was determined in the affirmative, on division—ayes 17, noes 12. Thereupon

The President announced the Senate adjourned until to-morrow, twelve o'clock.

FRIDAY, JANUARY 17, 1873.

House joint resolution fixing Thursday, 23rd inst., at one o'clock, P. M., for election of a county judge for Roanoke, was taken up and agreed to.

Ordered, That the clerk inform the House of Delegates thereof.

A communication from the House of Delegates, by their clerk, was read as follows:

In House of Delegates, January 16, 1873.

The House of Delegates have disagreed to the amendment of the Senate to House bill entitled an act to amend and re-enact an act entitled an act to amend and re-enact an act for the relief of the late sheriffs of the Commonwealth, approved February 21st, 1872, No. 16.

No. 16, House bill entitled an act to amend and re-enact an act entitled an act to amend and re-enact an act entitled an act for the relief of the late sheriffs of the Commonwealth, approved February 21st, 1872,

with the disagreement of the House of Delegates to the amendment proposed by the Senate, was taken up, when Mr. Nowlin moved that the Senate recede from its amendment—pending which,

On motion of Mr. Quesenberry, the bill was referred to the committee for courts of justice.

The President laid before the Senate a communication from the Board of Public Works in response to a resolution of the Senate calling for information as to the financial condition of the Richmond and York River Railroad Company, and the reason of their failure to pay the State tax; which, on motion of Mr. Taylor of Loudoun, was laid on the table.

Mr. Johnson, from the committee on general laws, reported without amendment,

No. 24, House bill entitled an act for the relief of Robert M. Heterick, late superintendent of schools for Rappahannock county.

He, from the same committee, reported without amendment,

No. 98, House bill entitled an act to declare James River and Kanawha Canal, in the county of Amherst, a lawful fence.

He, from the same committee, reported without amendment,

No. 78, Senate bill providing for the future extension of the corporate limits of the city of Richmond.

And he, from the same committee, reported without amendment,

No. 105, Senate bill for the relief of A. W. Vaughan, collector of Francisco township, in Buckingham county, in the year 1871.

Mr. Thomas, from the committee on finance, reported without amendment,

No. 130, Senate bill to empower the circuit court of Wise county to direct the sale of certain lands belonging to the State of Virginia, situated in said county of Wise, and providing for the conveyance of the same to the purchasers thereof, and for other purposes.

Mr. Pridemore moved to take up the bill, and the question being put thereon, was determined in the affirmative, on division—ayes 24, noes 9.

The bill was then read the second time, and, on motion of Mr. Taylor of Norfolk city, was laid on the table.

Mr. Roller, from the committee on federal relations, reported without amendment,

No. 84, House joint resolution in relation to appointment of commissioners to ascertain and define the boundary line between Virginia and West Virginia.

He, from the same committee, reported with a substitute therefor,

No. 25, House joint resolution memorializing Congress to abolish the internal tax on all liquors made from fruits.

He, from the same committee, reported without amendment,

Senate joint resolution instructing the Senators and requesting the Representatives of Virginia in the Congress of the United States to secure the abolition or material modification of the internal revenue taxes and the system of their collection.

And he, from the same committee, presented the following resolution :

Resolved, That the Auditor of Public Accounts be requested to furnish to the committee on federal relations an itemized statement of the amount expended by the commissioners on boundary line between the States of Virginia and Maryland.

Mr. Anderson of Rockbridge, from the committee on public institutions, reported without amendment,

No. 90, House bill entitled an act to amend and re-enact an act entitled an act to authorize the trustees of Strasburg Academy, in Shenandoah county, to sell a certain lot of land.

Mr. Grimsley, from the committee on county, city, and town organizations, reported with the recommendation that it do not pass,

No. 63, House bill entitled an act to amend and re-enact sections 63 and 77 of an act entitled an act to amend and re-enact an act prescribing the duties and compensation of certain township officers, approved July 11th, 1870, and acts amendatory thereof, approved March 17th, 1872.

He, from the same committee, reported without amendment,

No. 80, House bill entitled an act providing for an accurate map of the several counties of the Commonwealth.

And he, from the same committee, reported without amendment,

No. 86, House bill entitled an act to amend the charter of the town of Berryville, as contained in the acts approved the 29th of October, 1870, and the 23rd March, 1871.

Mr. Taylor of Norfolk city, by leave, presented

No. 133, A bill to amend and re-enact the 1st section of an act approved March 22, 1871, entitled an act to amend and re-enact the 1st and 4th sections of an act entitled an act to authorize the city of Norfolk to construct water-works for the use of the people of said city, passed January 14th, 1867; which, on his motion, was read the first, and ordered to be read a second time, and referred to the committee on general laws.

On motion of Mr. Taylor of Norfolk city,

Resolved, That the committee for courts of justice be requested to enquire into the expediency of so amending existing laws as to limit the judges of the county courts of the State in the allowance granted for services rendered by the Commonwealth's attorneys, clerks, and sheriffs, and to establish some degree of uniformity throughout the State in the pay of these officers.

On motion of Mr. Meem,

Resolved, That the committee for courts of justice enquire into the expediency of amending the law relative to the release of liens upon real estate.

Mr. Taylor of Loudoun, moved to take up the order of the day, being

No. 1, Senate bill to amend and re-enact an act entitled an act in relation to the interest on money, approved March 15th, 1870, so as to provide that six per cent. shall be the legal rate of interest; and the question being put thereon, was determined in the affirmative, on division—ayes 19, noes 17.

The pending question being on agreeing to the substitute proposed by the committee for courts of justice,

On motion of Mr. Lackland, the bill was amended by inserting after the words "March 15th," in the first section, the words "eighteen hundred and seventy."

Mr. Rue moved to re-consider the vote by which the Senate rejected the amendment proposed by Mr. Kirkpatrick to the 4th section of the bill; and on this proposition

Mr. Hundley demanded the pending question, which was ordered; and the question, "Shall the pending question be now put?" being put, was determined in the affirmative, on division—ayes 21, noes 12.

The question on the re-consideration of the vote by which the amendment was rejected being put, resulted—ayes 20, noes 20.

On motion of Mr. Quesenberry, the vote was recorded as follows:

Ayes—Messrs. Anderson of Pittsylvania, Anderson of Rockbridge, Boykin, Connally, Greene, Herndon, Holladay, Lewis, Martin, Massey, Norton, Nowlin, Nutting, Penn, Perrin, Robinson, Rue, Taylor of Norfolk city, Terry, and Wynne—20.

Noes—Messrs. Beazley, Cochran, French, Graham, Greever, Grimsley, Hundley, Johnson, Lackland, Meem, Patterson, Pridemore, Quesenberry, Rixey, Roller, Smith, Stevens, Taylor of Loudoun, Thomas and Ward—20.

The Senate being equally divided, Lieut.-Governor John L. Marye, Jr., President of the Senate, voted "aye," and announced the question determined in the affirmative.

The question recurring on the adoption of the amendment proposed by Mr. Kirkpatrick to the 4th section of the bill,

Mr. Taylor of Loudoun demanded the pending question, which was ordered; and being put, was determined in the negative—ayes 15, noes 20.

On motion of Mr. Hundley, the vote was recorded as follows:

Ayes—Messrs. Anderson of Pittsylvania, Anderson of Rockbridge, Boykin, Connally, Greene, Herndon, Holladay, Lewis, Martin, Nowlin, Penn, Robinson, Rue, Terry, and Wynne—15.

Noes—Messrs. Beazley, Cochran, French, Graham, Greever, Grimsley, Hundley, Lackland, Lathrop, Norton, Patterson, Pridemore, Quesenberry, Rixey, Roller, Smith, Stevens, Taylor of Loudoun, Thomas, and Ward—20.

Mr. Boykin moved to amend the 33rd amended section of the bill by striking out the whole of the section and inserting in lieu thereof the words.

"§ 33. Any bank authorized to carry on business as a bank of circulation, deposit, and discount, or any incorporated company having banking privileges, may loan money on negotiable paper, and may take interest on such loans and discounts at the rate of nine per centum per annum; and any such bank or incorporated company may receive the interest in advance. Each bank shall so regulate its loans and discounts that they shall not exceed twice the amount of the capital actually paid in;" and on this proposition

Mr. Hundley demanded the pending question, which was ordered; and being put, was determined in the negative—ayes 9, noes 23.

On motion of Mr. Cochran, the vote was recorded as follows:

Ayes—Messrs. Boykin, Lewis, Martin, Meem, Penn, Rixey, Rue, Terry, and Wynne—9.

Noes—Messrs. Anderson of Pittsylvania, Anderson of Rockbridge, Beazley, Cochran, French, Greever, Grimsley, Herndon, Holladay, Hundley, Lackland, Lathrop, Nowlin, Nutting, Patterson, Pridemore, Quesenberry, Robinson, Roller, Smith, Taylor of Loudoun, Thomas, and Ward—23.

The question recurring on the substitute for the bill proposed by the committee for courts of justice,

Mr. Hundley demanded the pending question—pending which

Mr. Kirkpatrick moved that the Senate adjourn; and the question being put thereon, was determined in the affirmative—ayes 23, noes 15.

On motion of Mr. Cochran, the vote was recorded as follows:

Ayes—Messrs. Anderson of Pittsylvania, Anderson of Rockbridge, Boykin, Connally, Graham, Grimsley, Herndon, Holladay, Johnson, Kirkpatrick, Lathrop, Lewis, Martin, Norton, Nowlin, Nutting, Penn, Robinson, Roller, Rue, Stevens, Terry, and Wynne—23.

Noes—Messrs. Beazley, Cochran, French, Greever, Hundley, Lackland, Meem, Patterson, Pridemore, Quesenberry, Rixey, Smith, Taylor of Loudoun, Thomas, and Ward—15.

The President announced the Senate adjourned until to-morrow, twelve o'clock.

SATURDAY, JANUARY 18, 1873.

Mr. Quesenberry in the chair.

Prayer by Rev. W. G. Lumpkin.

A communication from the House of Delegates, by their clerk, was read as follows:

In House of Delegates, January 17, 1873.

The House of Delegates have dismissed Senate bill entitled an act to amend and re-enact section 33 of chapter 162 of the Code of 1860, in regard to juries generally and the pay of jurors, No. 50; and have agreed to the amendments of the Senate to House bill entitled an act to amend and re-enact the 15th section of chapter 182 of the Code of 1860, and the several acts amendatory thereof, in relation to appeals, writs of error, and supersedeas, No. 42, with an amendment; in which amendment they respectfully request the concurrence of the Senate.

No. 42, House bill entitled an act to amend and re-enact the 15th section of chapter 182 of the Code of 1860, and the several acts amendatory thereof, in relation to appeals, writs of error, and supersedeas, with the amendment proposed by the House of Delegates to the amendments of the Senate, was taken up, and the amendment agreed to.

The title as amended was then agreed to in these words: "An act to amend and re-enact the 12th section of chapter 182 of the Code of 1860, in relation to appeals, writs of error, and supersedeas, approved June 23rd, 1870."

Ordered, That the clerk inform the House of Delegates thereof.

Mr. Herndon, from the committee for courts of justice, reported with the recommendation that the Senate adhere to its amendment,

No. 16, House bill entitled an act to amend and re-enact an act entitled an act to amend and re-enact an act entitled an act for the relief of the late sheriffs of the Commonwealth, approved February 21st, 1872, with the disagreement of the House of Delegates to the amendment proposed by the Senate.

He, from the same committee, reported with a substitute therefor,

No. 79, Senate bill to provide for proving papers filed or recorded in the offices of the Board of Public Works and the Board of Education.

He, from the same committee, presented

No. 134, A bill to amend and re-enact section 14 of chapter 130 of the Code of 1860, as amended, in relation to property not to be sold by personal representative.

And he, from the same committee, reported, declaring it inexpedient to legislate on the subject,

Senate resolution as to amending Code so as to allow to persons who have been tried and acquitted of a criminal offence a reasonable sum of money for expenses incurred in their defence, &c.

Mr. Holladay, from the committee on roads and internal navigation, reported with amendments,

No. 75, House bill entitled an act to authorize the Virginia and North Carolina Railroad Company to assume and be known by the name of the Washington City, Alexandria, Lynchburg and North Carolina Railroad Company.

Mr. Lewis, by leave, presented

No. 135, A bill for the relief of Isaac N. Bussles; which, on his motion, was read the first, and ordered to be read a second time, and referred to the committee on finance.

Mr. Greene, by leave, presented

No. 136, A bill to authorize the formation of township cemeteries; which, on his motion, was read the first, and ordered to be read a second time, and referred to the committee on county, city, and town organizations.

Mr. Massey, by leave, presented

No. 137, A bill to amend and re-enact section 68, chapter 85, Code of Virginia, in relation to lunatic asylums; which, on his motion, was read the first, and ordered to be read a second time, and referred to the committee on public institutions.

Mr. Graham, by leave, presented

No. 138, A bill to amend and re-enact section 1, chapter 125, Code of

Virginia (1860), as to maintenance of illegitimate children; which, on his motion, was read the first, and ordered to be read a second time, and referred to the committee for courts of justice.

On motion of Mr. Penn,

Resolved, That the Superintendent of Public Printing be requested to furnish to the Senate an approximate estimate of the cost of publishing ten thousand copies of the Code as compiled and submitted to the General Assembly by Geo. W. Mumford, and also of publishing the same number of copies, in one volume, of the public acts of the General Assembly that have become laws since the 1st day of December, 1865, not embracing charters of incorporation or assessments and taxation.

No. 53, Senate bill to amend and re-enact an act to amend the 1st and 2nd sections of chapter 128, Code of 1860, in relation to leasing and selling lands of persons under disability, was taken up, on motion of Mr. Ward; and, on his further motion, re-committed to the committee for courts of justice.

No. 54, Senate bill to amend and re-enact an act to amend the 1st and 6th sections of chapter 129 of Code of 1860, in relation to transferring to persons in another State or county effects in this State, was taken up, on motion of Mr. Ward; and, on his further motion, re-committed to the committee for courts of justice.

Mr. Ward presented the petition of the Bar of Winchester to amend chapters 128 and 129 of the Code of Virginia; which, on his motion, was referred to the committee for courts of justice.

No. 6, House bill entitled an act to authorize and empower the Council of the city of Richmond to increase the salaries of the judges of the circuit, chancery, and hustings courts of said city, with the amendments proposed by the committee for courts of justice, was taken up, on motion of Mr. Wynne, and the amendments were agreed to.

The bill was further amended, on motion of Mr. Wynne; and, as amended, was read the third time, and the question on the passage thereof being put, was determined in the affirmative—ayes 23, noes 6.

On motion of Mr. Fitzpatrick, the vote was recorded as follows:

Ayes—Messrs. Anderson of Rockbridge, Beazley, Boykin, Cochran, Connally, Graham, Greene, Grimsley, Herndon, Holladay, Hundley, Johnson, Lewis, Martin, Massey, Norton, Nowlin, Patterson, Quesenberry, Rixey, Rue, Ward, and Wynne—23.

Noes—Messrs. Fitzpatrick, French, Lackland, Pridemore, Robinson, and Terry—6.

The title was then amended, on motion of Mr. Wynne, and agreed to in these words:

“An act to authorize and empower the Councils of the cities of Richmond and Petersburg to increase the salaries of the judges of said cities.”

On motion of Mr. Wynne, it was

Ordered, That he inform the House of Delegates thereof and request their concurrence in the amendments.

No. 130, Senate bill to empower the circuit court of Wise county to direct the sale of certain lands belonging to the State of Virginia, situated

in said county of Wise, and providing for the conveyance of the same to the purchasers thereof, and for other purposes, was taken up, on motion of Mr. Pridemore, and ordered to be engrossed and read a third time; and being forthwith engrossed, was, on his further motion (two-thirds concurring), read the third time and passed with its title.

Ordered, That the clerk inform the House of Delegates thereof and request their concurrence therein.

No. 71, House joint resolution authorizing the payment of interest on the bonds of the State purchased with the agricultural land scrip, with the substitute therefor proposed by the committee on finance, was taken up, on motion of Mr. Penn.

The question being on agreeing to the substitute—and pending which,

On motion of Mr. Penn, the bill was laid on the table and made the order of the day for Tuesday next, at one o'clock.

Mr. Quesenberry, by leave, presented

No. 139, A bill to amend and re-enact the 5th section of an act passed March 20, 1872, in relation to fences and the protection of crops; which, on his motion, was read the first, and ordered to be read a second time, and referred to the committee on general laws.

Mr. Wynne, by leave, presented

No. 140, A bill to incorporate the Richmond Building and Improvement Company; which, on his motion, was read the first, and ordered to be read a second time, and referred to the committee on general laws.

Mr. Martin moved that the Senate adjourn; and the question being put thereon, was determined in the affirmative—aye 16, noes 12.

On motion of Mr. Cochran, the vote was recorded as follows:

Ayes—Messrs. Connally, French, Graham, Greene, Holladay, Johnson, Lackland, Lewis, Martin, Norton, Nowlin, Patterson, Rixey, Robinson, Terry, and Wynne—16.

Noes—Messrs. Anderson of Pittsylvania, Beazley, Cochran, Fitzpatrick, Greever, Hundley, Penn, Pridemore, Quesenberry, Smith, Stevens, and Ward—12.

The President announced the Senate adjourned until Monday next, twelve o'clock.

MONDAY, JANUARY 20, 1873.

Mr. Quesenberry in the chair.

Prayer by Rev. Dr. Miller.

A communication from the House of Delegates, by their clerk, was read as follows:

In House of Delegates, January 18, 1873.

The House of Delegates have agreed to the amendments of the Senate to House bill releasing the Bank of Danville from the payment of its notes upon certain conditions, No. 35; and have passed Senate bill entitled an act to remove certain causes commenced in the county courts

to the circuit courts, and for other purposes, No. 106, with an amendment; in which they respectfully request the concurrence of the Senate.

No. 106, Senate bill entitled an act to remove certain causes commenced in the county courts to the circuit courts, and for other purposes, with the amendment proposed by the House of Delegates, was taken up, and the amendment agreed to.

Ordered, That the clerk inform the House of Delegates thereof.

Mr. Fitzpatrick, from the committee on general laws, reported without amendment,

No. 87, House bill entitled an act to amend and re-enact the 16th section of the 87th chapter of the Code of Virginia, in relation to inspection of tobacco.

He, from the same committee, reported with the recommendation that it do not pass,

No. 126, Senate bill to repeal chapter 89 of the Code of 1860, so far as it applies to Russell county.

And he, from the same committee, presented the following report:

The committee on general laws have had under consideration the petition of the School Board of Buckingham county, asking that that county be included in the list of counties in which dogs are taxed for the benefit of free schools, and have come to the following resolution:

Resolved, That it is inexpedient to grant the prayer of the petition.

Mr. Hundley, by leave, presented

No. 141, A bill to amend and re-enact an act entitled an act to amend and re-enact section 23 of chapter 49 of the Code of Virginia of 1860, approved July 9th, 1870, in relation to the appointment and qualification of criers of courts; which, on his motion, was read the first, and ordered to be read a second time.

No. 42, Senate bill entitled an act in relation to the taking of acknowledgments by clerks of county courts, was taken up, and the amendments proposed by the committee for courts of justice to the amendment proposed by the House of Delegates (in the nature of a substitute for the bill) were agreed to, and the substitute as amended was then agreed to.

The title as amended was then agreed to in these words:

"An act to amend and re-enact the 4th and 7th sections of chapter 121 of the Code of Virginia (edition of 1860), and all acts amendatory thereof, in relation to the taking of acknowledgments to deeds."

Ordered, That the clerk inform the House of Delegates thereof and request their concurrence in the amendments.

The following bills were taken up, read the third time and passed with their titles:

No. 94, Senate bill to amend and re-enact sections 1st and 3rd of an act entitled an act declaring certain streams in Charlotte county to be highways, approved March 25th, 1872.

No. 77, Senate bill to amend and re-enact the 9th section of chapter 108 of the Code of 1860, in reference to marriages within prohibited degrees of relationship.

No. 86. Senate bill so to amend and re-enact section 23, chapter 163 of the Code of Virginia (1860), as to provide for the enforcement of fines against delinquent clerks. And

No. 102, Senate bill to amend and re-enact sections 17 and 22 of an act amending the charter of the town of Harrisonburg, passed July 9th, 1870.

Ordered, That the clerk inform the House of Delegates of the passage of these four bills and request their concurrence therein.

No. 96, Senate bill to enable the Presbyterian church of Harrisonburg, Rockingham county, to receive and hold a bequest under the will of Ann Davidson, deceased, was taken up, read the third time and passed.

The amendment to the title as proposed by the committee for courts of justice was agreed to, and the title as amended was then agreed to in these words :

"An act to enable the trustees of the Presbyterian church of Harrisonburg, Rockingham county, and their successors in office to receive and hold a bequest under the will of Ann Davidson, deceased."

No. 104, Senate bill to amend section 14 of chapter 19 of Code of 1860, directing the committee on library to make purchases for the library, was taken up, read the third time, when, on motion of Mr. Wynne (by general consent), the bill was amended by inserting after the word "expended," in the 7th line of 14th amended section, the words "for printing;" when, on his further motion, the bill was laid on the table. Subsequently,

On motion of Mr. Wynne, the bill was taken up, and the question on the passage thereof being put, was determined in the affirmative—ayes 26, noes none.

The vote was recorded as follows :

Ayes—Messrs. Anderson of Rockbridge, Beazley, Cochran, Connally, Fitzpatrick, French, Graham, Greene, Greever, Holladay, Hundley, Johnson, Lackland, Lewis, Martin, Norton, Nowlin, Nutting, Penn, Pridemore, Quesenberry, Rixey, Smith, Terry, Ward, and Wynne—26.

Noes—none.

The title of the bill was then agreed to.

Ordered, That the clerk inform the House of Delegates thereof and request their concurrence therein.

No. 47, House bill entitled an act to amend and re-enact the 5th section of an act to appropriate the income arising from the proceeds of the land scrip accruing to Virginia under act of Congress of July 2nd, 1862, and the acts amendatory thereof, approved March 19th, 1872, was taken up, and the question being on agreeing to the amendments of the committee on public institutions, Mr. Greene moved to amend the 2nd amendment by striking out the words "except the Governor after the first of January, 1874;" which was agreed to.

On motion of Mr. Cochran, the 2nd amendment was further amended by adding the words "and the persons so appointed shall be distributed as nearly equal as practicable between the four grand divisions of the State."

The amendments as amended were then agreed to, and the bill as amended was read the third time and passed.

On motion of Mr. Penn, the title of the bill was amended and agreed to in these words: "An act to amend and re-enact the 5th section of an act to appropriate the income arising from the proceeds of the land scrip accruing to Virginia under act of Congress of July 2nd, 1862, and the acts amendatory thereof, approved March 19th, 1872, and March 26th, 1872."

On motion of Mr. Nowlin, it was

Ordered, That he inform the House of Delegates thereof and request their concurrence in the amendments.

No. 62, House bill entitled an act to incorporate the town of New Castle, in the county of Craig, was taken up, read the third time, and passed with its title.

Ordered, That the clerk inform the House of Delegates thereof.

No. 64, House bill entitled an act to incorporate the town of Lebanon, in Russell county, was taken up, and the question being on agreeing to the amendment proposed by the committee on county, city, and town organizations—and pending which,

On motion of Mr. Smith, the bill was laid on the table.

The following bills were taken up, read the first, and ordered to be read a second time:

No. 117, Senate bill to amend and re-enact section 7 of an act entitled an act to protect the oyster beds in the waters of the Commonwealth, approved July 11th, 1870, so as to prevent the planting of oysters on natural beds or rocks.

No. 124, Senate bill to prevent the seduction of females, and amending and re-enacting the 16th section of chapter 191, in reference to the abduction of females. And

No. 134, Senate bill to amend and re-enact section 14 of chapter 130 of the Code of 1860, as amended, in relation to property not to be sold by personal representative.

No. 95, Senate bill to amend and re-enact section 12, chapter 63 of the Code of Virginia (1860), so as the more effectually to require millers to grind for toll all grain brought to their mills for the consumption of the person bringing or sending it, or his family, was taken up, on motion of Mr. Ward, read the second time, and the amendments proposed by the committee on general laws were agreed to.

The bill as amended was ordered to be engrossed and read a third time.

No. 78, Senate bill providing for the future extension of the corporate limits of the city of Richmond was, on motion of Mr. Wynne, ordered to be printed.

Mr. Hundley, by leave, presented

No. 142, A bill to enable the vestrymen of Lyttleton Parish, in the county of Cumberland, to sell certain church property and re-invest the proceeds; which, on his motion, was read the first, and ordered to be read a second time, and referred to the committee on general laws.

Mr. Penn offered the following joint resolution, which lies over under the rules:

Resolved by the General Assembly of Virginia, That a bill incorporating the Danville and New River Railway Company for the construction of a narrow gauge railroad from the town of Danville, by Martinsville, Patrick Court-house, and Hillsville, to a point on the Atlantic, Mississippi and Ohio Railroad, not east of Max Meadows, be exempt from the tax imposed by the 61st section of an act imposing taxes for support of government, &c., approved April 5th, 1872.

On motion of Mr. Penn (the rules being suspended therefor), the resolution was taken up, and the question on agreeing thereto being put, was determined in the affirmative—ayes 23, noes 3.

The vote was recorded as follows:

Ayes—Messrs. Anderson of Rockbridge, Beazley, Cochran, French, Graham, Greene, Greever, Hundley, Johnson, Lackland, Martin, Massey, Norton, Nowlin, Patterson, Penn, Pridemore, Quesenberry, Rixey, Smith, Terry, Ward, and Wynne—23.

Noes—Messrs. Connally, Nutting, and Stevens—3.

On motion of Mr. Penn, it was

Ordered, That he inform the House of Delegates thereof and request their concurrence therein.

No. 16, House bill entitled an act to amend and re-enact an act entitled an act to amend and re-enact an act entitled an act for the relief of the late sheriffs of the Commonwealth, approved February 21st, 1872, was taken up, on motion of Mr. Ward; and, on his further motion, the Senate insisted on its amendment. And,

On motion of Mr. Nowlin, it was

Ordered, That he inform the House of Delegates thereof.

No. 68, Senate bill to amend the first section of an act entitled an act to amend an act to incorporate the Valley Railroad Company, passed March 1st, 1867, was taken up, on motion of Mr. Cochran, read the second, and ordered to be engrossed and read a third time.

No. 74, Senate bill declaring and prescribing what fees a justice of the peace may charge for services connected with the trial of warrants for small claims, was read the second time, and the amendments proposed by the committee for courts of justice were agreed to.

The bill as amended was then ordered to be engrossed and read a third time.

No. 75, House bill entitled an act to authorize the Virginia and North Carolina Railroad Company to assume and be known by the name of the Washington City, Alexandria, Lynchburg and North Carolina Railroad Company, was taken up, and the amendments proposed by the committee on roads and internal navigation were amended, on motion of Mr. Fitzpatrick, and as amended agreed to.

The bill as amended was then read the third time and passed.

The amendment proposed by the committee on roads and internal navigation was agreed to, and the title as amended was agreed to as follows:

“An act to authorize the Virginia and North Carolina Railroad Company to assume and be known by the name of the Washington City, Virginia, Midland and Great Southern Railroad Company.”

On motion of Mr. Fitzpatrick, the joint resolution instructing the Au-

ditor of Public Accounts to subject the property of the Chesapeake and Ohio Railroad Company to the payment of taxes due and in arrears, was taken up and adopted.

On motion of Mr. French,

Resolved, That the State Superintendent of Public Instruction be requested to furnish to the Senate of Virginia, at as early a day as practicable, the number of additional teachers and schools for each county necessary to carry into successful operation the free school system in the State.

On motion of Mr. Ward,

Resolved, That the Attorney-General of the State be requested to appear before the Senate committee for courts of justice, on Tuesday, the 28th of January, to give his views whether or no, in accordance with a proper construction of the act of Assembly passed April 17th, 1867, entitled an act disposing of the State's interest in the Alexandria, Loudoun and Hampshire Railroad on certain conditions, and of the deed of trust given in pursuance thereof, &c., there has not been by said company such a forfeiture as to authorize the Board of Public Works to resume the ownership of the State stock in said road sold to said company.

No. 79, Senate bill to provide for proving papers filed or recorded in the office of the Board of Public Works and the Board of Education, was taken up, on motion of Mr. Lackland, read the second time, and the question being on agreeing to the substitute proposed by the committee for courts of justice, the same was amended, on motion of Mr. Fitzpatrick, and as amended was agreed to; and the bill as amended was ordered to be engrossed and read a third time.

On motion of Mr. Nowlin, the Senate adjourned until to-morrow, twelve o'clock.

TUESDAY, JANUARY 21, 1873.

Mr. Quesenberry in the chair.

Prayer by Rev. Dr. Miller.

A communication from the House of Delegates, by their clerk, was read as follows:

In House of Delegates, January 20, 1873.

The House of Delegates have passed House bill entitled an act to amend and re-enact an act entitled an act to amend the 40th section of chapter 101 of the Code of 1860, to prevent the destruction of wild fowl in this State, approved March 13th, 1872, No. 66; in which they respectfully request the concurrence of the Senate.

No. 66, House bill entitled an act to amend and re-enact an act entitled an act to amend the 40th section of chapter 101 of the Code of

1860, to prevent the destruction of wild fowl in this State, approved March 13th, 1872, was read twice, and referred to the committee on general laws.

Mr. Herndon, from the committee for courts of justice, reported with amendments,

No. 92, House bill entitled an act to amend section 33 of chapter 162, and section 10 of chapter 208 of the Code of Virginia (edition of 1860), in relation to the pay of jurors.

He, from the same committee, reported with a substitute therefor,

No. 108, Senate bill to amend and re-enact section 6, chapter 169, and section 7, chapter 170, Code of 1860, in relation to proceedings and suits against insurance companies.

He, from the same committee presented a report declaring it inexpedient to legislate on the subject of a resolution as to what legislation is necessary to prevent discrimination being made between citizens of this State on account of race or color.

He, from the same committee, presented a report declaring it unnecessary to legislate on the subject (as it is sufficiently provided for by laws now in force) of a resolution as to requiring all bar-rooms, &c., to be closed on the Sabbath.

And he, from the same committee, presented a report declaring it inexpedient to legislate on the subject of a resolution as to extending the jurisdiction of justices of the peace to one hundred dollars.

Mr. Fitzpatrick, from the committee on general laws, reported with an amendment,

No. 133, Senate bill to amend and re-enact the 1st section of an act approved March 22nd, 1871, entitled an act to amend and re-enact the 1st and 4th sections of an act entitled an act to authorize the city of Norfolk to construct water-works for the use of the people of said city, passed January 14th, 1867.

Mr. Stevens offered the following preamble and joint resolutions (modified at the suggestion of Mr. Nowlin) which lie over under the rules:

Whereas it appears that the House of Representatives of the United States has passed a resolution repealing the Bankrupt law; and whereas it appears to this Legislature that the repeal of the Bankrupt law would not only inflict injury upon the whole country, but to the impoverished people of the South, and especially of Virginia; therefore

Resolved by the Senate (the House of Delegates concurring), That the Senators of Virginia in Congress be and they are hereby instructed to vote against the repeal of the said Bankrupt law; and the members of the House of Representatives in Congress from this State be requested to unite their efforts with said Senators in resisting the repeal of the same.

Resolved further, That the Governor be requested to forward to each Senator and member of the House of Representatives in Congress from Virginia a copy of this resolution.

On motion of Mr. Stevens, the rules were suspended for the purpose of considering the resolutions to-day.

The resolutions were taken up, and the question being on agreeing thereto, Mr. Penn moved to lay the resolutions on the table; and the question being put thereon, was determined in the negative—ayes 3, noes 20.

On motion of Mr. Greene, the vote was recorded as follows:

Ayes—Messrs. Greever, Penn, and Pridemore—3.

Noes—Messrs. Anderson of Rockbridge, Cochran, Graham, Greene, Herndon, Holladay, Johnson, Lackland, Lewis, Martin, Massey, Norton, Nowlin, Nutting, Quesenberry, Rixey, Stevens, Terry, Ward, and Wynne—20.

The question recurring on agreeing to the resolutions, Mr. Anderson of Rockbridge moved to refer the same to the committee for courts of justice; and the question being put thereon, was determined in the negative.

Mr. Quesenberry moved to amend the resolutions by adding at the end of the 1st resolution the words “and in securing an exemption of two thousand dollars, which shall be absolute and certain in all cases.”

The question on agreeing to the amendment being put, was determined in the affirmative—ayes 20, noes 8.

On motion of Mr. Pridemore, the vote was recorded as follows:

Ayes—Messrs. Cochran, French, Graham, Greene, Holladay Hundley, Lackland, Lewis, Martin, Massey, Norton, Nutting, Patterson, Quesenberry, Rixey, Rue, Stevens, Terry, Ward, and Wynne—20.

Noes—Messrs. Anderson of Rockbridge, Beazley, Boykin, Herndon, Johnson, Nowlin, Penn, and Pridemore—8.

The question recurring on agreeing to the resolution as amended, Mr. Graham demanded the pending question, which was ordered; and being put, was determined in the affirmative—ayes 22, noes 9.

On motion of Mr. Pridemore, the vote was recorded as follows:

Ayes—Messrs. Cochran, Fitzpatrick, French, Graham, Greene, Holladay, Hundley, Lackland, Lewis, Martin, Massey, Norton, Nowlin, Nutting, Patterson, Quesenberry, Rixey, Rue, Stevens, Terry, Ward, and Wynne—22.

Noes—Messrs. Anderson of Rockbridge; Beazley, Boykin, Greever, Herndon, Johnson, Kirkpatrick, Penn, and Pridemore—9.

On motion of Mr. Greene, it was

Ordered, That he inform the House of Delegates of the adoption of the joint resolutions and request their concurrence therein.

Mr. Graham, by leave, presented

No. 143, A bill providing for the repeal of all laws which allow the punishment of citizens of this Commonwealth by stripes; which, on his motion, was read the first, and ordered to be read a second time, and referred to the committee for courts of justice.

On motion of Mr. Fitzpatrick, it was

Ordered, That he inform the House of Delegates of the passage of House bill entitled an act to authorize the Virginia and North Carolina

Railroad Company to assume and be known by the name of the Washington City, Alexandria, Lynchburg and North Carolina Railroad Company, No. 75.

Mr. Terry, offered the following preamble and joint resolution, which lie over under the rules :

Whereas the Upper Appomattox Company has proposed to the Board of Public Works to purchase the whole interest of the Commonwealth in said company for the sum of \$12,500 cash :

Resolved (the House of Delegates concurring), That the Board of Public Works are hereby authorized to accept said offer.

On motion of Mr. Terry, the rules were suspended for the purpose of considering the resolution to-day.

Mr. Pridemore moved to amend the resolution by adding the following proviso :

"Provided that the party purchasing shall agree to keep up the improvement for the use of the public as a line for transportation of travelers and freight." Thereupon

Mr. Greene moved to refer the resolution to the committee on roads and internal navigation ; and the question being put thereon, was determined in the negative, on division—ayes 10, noes 15.

The question recurring on agreeing to the amendment proposed by Mr. Pridemore, and being put, was determined in the affirmative.

The question recurring on agreeing to the resolution as amended, Mr. Nowlin offered the following as a substitute therefor :

"Resolved (the House of Delegates concurring), That the Board of Public Works be and they are hereby authorized and instructed to sell the State's interest in the Upper Appomattox Company on the best terms that can be obtained for cash ; provided, the sum so obtained be not less than the par value of said stock."

The question being on agreeing to the substitute, Mr. Penn moved to refer the resolution to the committee on roads and internal navigation ; and the question being put thereon, was determined in the affirmative.

No. 16, Senate bill in relation to the lease of the penitentiary, was taken up, on motion of Mr. Smith ; and, on his further motion, laid on the table and made the order of the day for Thursday next, at one o'clock, and for each succeeding day until disposed of.

Mr. Rixey, by leave, presented

No. 144, A bill for the relief of the sureties of Wm. M. Hume, deceased, late sheriff of Fauquier county ; which, on his motion, was read the first, and ordered to be read a second time, and referred to the committee on finance.

Mr. Holladay, by leave, presented

No. 145, A bill for the relief of Perry Jefferson, administrator of John M. Seely, deceased ; which, on his motion, was read the first, and ordered to be read a second time, and referred to the committee on finance.

No. 1, Senate bill to amend and re-enact an act entitled an act in relation to the interest on money, approved March 15th, 1870, so as to

provide that six per cent. shall be the legal rate of interest, being the unfinished business of Friday last, was taken up, on motion of Mr. Hundley—when

Mr. Penn moved to postpone the consideration of the bill for the purpose of taking up House joint resolution authorizing the payment of interest on the bonds of the State purchased with the agricultural land scrip, No. 71; and the question being put thereon, was determined in the negative.

The question when the bill was last under consideration being on agreeing to the substitute proposed by the committee for courts of justice, and the pending question having been ordered, was put, and resulted—ayes 7, noes 14.

On motion of Mr. Greever, the vote was recorded as follows:

Ayes—Messrs. Anderson of Pittsylvania, Greene, Nutting, Penn, Rixey, Rue, and Wynne—7.

Noes—Messrs. Anderson of Rockbridge, Beazley, Cochran, Fitzpatrick, French, Greever, Hundley, Lackland, Patterson, Pridemore, Quesenberry, Robinson, Smith, and Ward—14.

It appearing that no quorum was present, Mr. Herndon made a motion to adjourn; and the question being put thereon, was determined in the negative.

Mr. Cochran demanded a call of the Senate—when

Mr. Boykin moved to adjourn; and the question being put thereon, was determined in the negative—ayes 8, noes 18.

On motion of Mr. Greever, the vote was recorded as follows:

Ayes—Messrs. Anderson of Rockbridge, Boykin, Herndon, Holladay, Lewis, Rixey, Rue, and Terry—8.

Noes—Messrs. Beazley, Cochran, Fitzpatrick, French, Greene, Greer, Hundley, Lackland, Martin, Nowlin, Patterson, Penn, Pridemore, Quesenberry, Robinson, Smith, Ward, and Wynne—18.

The question recurring on the demand for a call of the Senate, and being put, was determined in the negative.

The question recurring on agreeing to the substitute proposed by the committee for courts of justice, and being put, was determined in the negative—ayes 9, noes 18.

The vote was recorded as follows:

Ayes—Messrs. Anderson of Pittsylvania, Greene, Holladay, Martin, Nutting, Penn, Rue, Terry, and Wynne—9.

Noes—Messrs. Anderson of Rockbridge, Beazley, Boykin, Cochran, Fitzpatrick, French, Graham, Greever, Hundley, Lackland, Lewis, Patterson, Pridemore, Quesenberry, Rixey, Robinson, Smith, and Ward—18. Thereupon,

Mr. Graham moved to lay the bill on the table; and the question being put thereon, was determined in the affirmative—ayes 17, noes 12.

On motion of Mr. Hundley, the vote was recorded as follows:

Ayes—Messrs. Anderson of Pittsylvania, Anderson of Rockbridge, Boykin, Graham, Greene, Herndon, Holladay, Lewis, Martin, Norton, Nutting, Penn, Rixey, Robinson, Rue, Terry, and Wynne—17.

Noes—Measrs. Beazley, Cochran, Fitzpatrick, French, Greever, Hundley, Lackland, Patterson, Pridemore, Quesenberry, Smith, and Ward—12.

No. 71, House joint resolution authorizing the payment of interest on the bonds of the State purchased with the agricultural land scrip, was taken up, on motion of Mr. Penn.

The question being on agreeing to the substitute therefor proposed by the committee on finance, was put, and determined in the negative, on division—ayes 9, noes 15.

The resolution was then read the third time, and the question being on agreeing thereto,

On motion of Mr. Greene, the Senate adjourned until to-morrow, twelve o'clock.

WEDNESDAY, JANUARY 22, 1873.

Prayer by Rev. Dr. Miller.

The President laid before the Senate a communicaton from Rubard V. Gaines, President of a Convention of the Farmers' Council of Virginia and North Carolina, enclosing a resolution adopted by that body recommending the establishment of a Bureau of Agricultural and Immigration Statistics; which, on motion of Mr. Herndon, was ordered to be printed for the use of the Senate, and referred to the committee on immigration.

The President laid before the Senate a communication from the Governor, transmitting an official copy of a joint resolution adopted by the Legislature of West Virginia, relative to the transfer of the James River and Kanawha Canal to the United States; which, on motion of Mr. Fitzpatrick, was referred to the committee on roads and internal navigation.

The President laid before the Senate a communication from the Superintendent of Public Instruction in response to a resolution of the Senate requesting to be furnished with a statement of the number of additional teachers and schools for each county necessary to carry into successful operation the free school system in the State; which, on motion of Mr. Meem, was referred to the committee on public institutions; and, on motion of Mr. French, was ordered to be printed.

Mr. Herndon, from the committee for courts of justice, presented

No. 146, A bill to repeal an act passed February 8th, 1865, to amend and re-enact section 2 of chapter 169 of the Code of 1860, in relation to the county or corporation in which suits may be commenced.

And he, from the same committee, presented

No. 147, A bill giving the consent of this State to the purchase by the United States of two tracts of land in the counties of Henrico and Hanover, to be used for military cemeteries, and exempting the same from State and county taxes.

Mr. Fitzpatrick, from the committee on general laws, reported without amendment,

No. 66, House bill entitled an act to amend and re-enact an act entitled an act to amend the 40th section of chapter 101 of the Code of 1860, to prevent the destruction of wild fowl in this State, approved March 13th, 1872.

He, from the same committee, reported without amendment,

No. 142, Senate bill to enable the vestrymen of Lyttleton Parish, in the county of Cumberland, to sell certain church property and re-invest the proceeds.

And he, from the same committee, reported with a substitute therefor,

No. 140, Senate bill to incorporate the Richmond Building and Improvement Company; which was subsequently taken up, on motion of Mr. Wynne, read the second time, and the question being on agreeing to the substitute, Mr. Quesenberry moved to lay the bill on the table, and the question being put thereon, was determined in the negative, on division—ayes 11, noes 18.

The question recurring on agreeing to the substitute, on motion of Mr. Fitzpatrick, the substitute was amended by striking out, in 8th section, the words "any rate of interest not exceeding ten per cent. per annum," and inserting in lieu thereof the words "the legal rate of interest."

The substitute as amended was then agreed to; and the bill as amended was ordered to be engrossed and read a third time, and being forthwith engrossed, was, on motion of Mr. Wynne (two-thirds concurring), read the third time and passed with its title.

Ordered, That the clerk inform the House of Delegates thereof and request their concurrence therein.

Mr. Cochran, from the committee on roads and internal navigation, reported with amendments,

No. 76, House bill entitled an act to authorize the Washington City, Alexandria, Lynchburg and North Carolina Railroad Company to issue bonds to provide for the payment of the bonds and debts of the Orange, Alexandria and Manassas Railroad Company, and of the Lynchburg and Danville Railroad Company, and for other purposes.

He, from the same committee, reported with amendments,

No. 77, House bill entitled an act to authorize the Washington City, Alexandria, Lynchburg and North Carolina Railroad Company to extend its railway from Alexandria to a point on the Potomac river opposite or near to or above the cities of Washington or Georgetown.

And he, from the same committee, reported with amendments,

No. 78, House bill entitled an act to authorize the Washington City, Alexandria, Lynchburg and North Carolina Railroad Company to acquire and sell lands.

Mr. Thomas, from the committee on finance, reported without amendment,

No. 134, Senate bill for the relief of Isaac N. Bussels.

He, from the same committee, reported with the recommendation that it do not pass.

No. 145, Senate bill for the relief of Perry Jefferson, administrator of John M. Seeley, deceased.

And he, from the same committee, reported without amendment,

No. 144, Senate bill for the relief of the sureties of Wm. M. Hume, deceased, late sheriff of Fauquier county.

Mr. Anderson of Rockbridge, from the committee on public institutions, presented

No. 148, A bill to establish and maintain a normal school and to provide otherwise for the training of teachers for the public schools of Virginia.

He, from the same committee, presented a report declaring it inexpedient to legislate on the subject of a petition of citizens of Carroll county praying an amendment to the school law, for the reason that the present law authorizes the Board of Education to accord the relief prayed for where the necessities of a neighborhood require a reduction of the minimum term prescribed by law for the continuance of a public school.

And he, from the same committee, presented a report declaring it inexpedient to legislate on the subject of a resolution as to amending the public school law so as to give to any person or persons aggrieved by the action of the district school trustees a right of appeal to the Board of School Commissioners, &c., for the reason that the present law gives right of appeal from district board to the County Superintendent, and from his decision to Board of Education in all cases.

Mr. Penn, from the committee of privileges and elections, reported with an amendment,

No. 51, Senate bill to amend and re-enact section 24 of the act approved May 11th, 1870, entitled an act to provide for a general election.

Mr. Quesenberry offered the following joint resolution, which lies over under the rules :

Resolved (the House of Delegates concurring), That the Governor be requested to give official notice to the creditors of the State of the meeting proposed to be held in the city of Richmond on the 15th of February next, and invite their attendance.

On motion of Mr. Quesenberry (the rules being suspended therefor), the resolution was taken up and agreed to ; and, on his further motion, it was

Ordered, That he inform the House of Delegates thereof and request their concurrence therein.

On motion of Mr. Taylor of Loudoun,

Resolved, That the committee on general laws be instructed to enquire into the expediency of amending an act entitled an act to prevent the destruction of partridges and other game in the Commonwealth, approved March 23rd, 1872, so as to limit the time in which such game may be destroyed.

Mr. Hundley, by leave, presented

No. 149, A bill to amend the first section of an act entitled an act to amend and re-enact an act to authorize the circuit courts of the com

monwealth to grant charters of incorporation and to repeal sections 4, 5, 6, 7, 8, 9, and 10 of chapter 65, and section 54 of chapter 57 of the Code of Virginia (edition of 1860), approved March 20th, 1871, in force March 21st, 1872, authorizing judges in vacation to amend charters of incorporation; which, on his motion, was read the first, and ordered to be read a second time, and referred to the committee for courts of justice.

Mr. Hundley, by leave, presented

No. 150, A bill providing for change of names of townships where two townships are called by the same name; which, on his motion, was read the first, and ordered to be read a second time, and referred to the committee on county, city, and town organizations.

No. 141, Senate bill to amend and re-enact an act entitled an act to amend and re-enact section 23 of chapter 49 of the Code of Virginia of 1860, approved July 9th, 1870, in relation to the appointment and qualification of criers of courts, was taken up, on motion of Mr. Hundley, read the second, and ordered to be engrossed and read a third time; and being forthwith engrossed, was, on his further motion (two-thirds concurring), read the third time and passed with its title.

On motion of Mr. Hundley, it was

Ordered, That he inform the House of Delegates thereof and request their concurrence therein.

No. 71, House joint resolution authorizing the payment of interest on the bonds of the State purchased with the agricultural land scrip, being the unfinished business of yesterday, was taken up, and the question being on agreeing to the resolution, Mr. Greene demanded the pending question, which was ordered; and being put, was determined in the affirmative—ayes 28, noes 5.

Ayes—Messrs. Anderson of Rockbridge, Beazley, Cochran, Fitzpatrick, French, Graham, Greene, Grimsley, Herndon, Hundley, Johnson, Lathrop, Lewis, Martin, Massey, Meem, Norton, Nutting, Penn, Pride-more, Rixey, Robinson, Rue, Stevens, Terry, Thomas, Ward, and Wynne—28.

Noes—Messrs. Connally, Holladay, Quesenberry, Smith, and Taylor of Loudoun—5.

On motion of Mr. Penn, it was

Ordered, That he inform the House of Delegates thereof.

No. 1, Senate bill to amend and re-enact an act entitled an act in relation to the interest on money, approved March 15th, 1870, so as to provide that six per cent. shall be the legal rate of interest, was taken up, on motion of Mr. Hundley—when

Mr. Anderson of Rockbridge moved to amend the bill by adding, at the end of the 4th section, the words “provided, that upon debts hereafter contracted it shall be lawful to receive any rate of interest not exceeding eight per centum per annum, which may be agreed upon by the parties and be specified in the bond, note, or other writing evidencing the debt.”

On this proposition, Mr. Taylor of Loudoun demanded the pending question, which was ordered; and being put, was determined in the negative—ayes 14, noes 20.

On motion of Mr. Ward, the vote was recorded as follows:

Ayes—Messrs. Anderson of Pittsylvania, Anderson of Rockbridge, Boykin, Connally, Graham, Greene, Herndon, Holladay, Lewis, Penn, Perrin, Rue, Terry, and Wynne—14.

Noes—Messrs. Beazley, Cochran, French, Greever, Grimsley, Hundley, Lackland, Lathrop, Massey, Meem, Norton, Patterson, Pridemore, Quesenberry, Rixey, Robinson, Smith, Taylor of Loudoun, Thomas, and Ward—20.

Mr. Anderson of Pittsylvania moved to amend the bill by inserting, as an independent section, after the first section the following:

“§ 2. Section 5 of chapter 141 of the Code of 1860 is amended and re-enacted so as to read as follows:

“§ 5. All contracts and assurances made directly or indirectly for the loan or forbearance of money or other thing, at a greater rate than is allowed by the preceding section, shall be void as to the interest due or to fall due on such loan or forbearance.”

On this proposition, Mr. Quesenberry demanded the pending question, which was ordered; and being put, was determined in the affirmative—ayes 20, noes 16.

On motion of Mr. Anderson of Pittsylvania, the vote was recorded as follows:

Ayes—Messrs. Anderson of Pittsylvania, Anderson of Rockbridge, Boykin, Connally, Graham, Greene, Grimsley, Herndon, Holladay, Johnson, Lathrop, Lewis, Martin, Norton, Nutting, Penn, Perrin, Rixey, Rue, and Wynne—20.

Noes—Messrs. Beazley, Cochran, French, Greever, Hundley, Lackland, Massey, Patterson, Pridemore, Quesenberry, Robinson, Smith, Taylor of Loudoun, Terry, Thomas, and Ward—16.

The question being on ordering the bill, as amended, to its engrossment and third reading, Mr. Massey demanded the pending question, which was ordered; and being put, was determined in the negative—ayes 8, noes 29.

On motion of Mr. Cochran, the vote was recorded as follows:

Ayes—Messrs. Anderson of Pittsylvania, Grimsley, Herndon, Johnson, Lewis, Rixey, Rue, and Wynne—8.

Noes—Messrs. Anderson of Rockbridge, Beazley, Boykin, Cochran, Connally, French, Graham, Greene, Greever, Holladay, Hundley, Lackland, Lathrop, Martin, Massey, Norton, Nutting, Patterson, Penn, Perrin, Pridemore, Quesenberry, Robinson, Smith, Stevens, Taylor of Loudoun, Terry, Thomas, and Ward—29. Therefore,

Resolved, That the bill be rejected.

Mr. Lackland moved to re-consider the vote by which the bill was rejected.

Mr. Penn moved to lay the motion to re-consider on the table, and the question being put thereon, was determined in the negative, on division—ayes 12, noes 16.

The question on agreeing to the motion to re-consider recurring, and being put, was determined in the negative—ayes 6, noes 26.

On motion of Mr. Quesenberry, the vote was recorded as follows :
Ayes—Messrs. Beazley, Greever, Lackland, Taylor of Loudoun, Thomas, and Ward—6.

Noes—Messrs. Anderson of Pittsylvania, Boykin, Cochran, Connally, French, Graham, Greene, Grimsley, Herndon, Holladay, Johnson, Lathrop, Lewis, Martin, Norton, Nutting, Penn, Perrin, Pridemore, Quesenberry, Rixey, Robinson, Rue, Smith, Terry, and Wynne—26.

On motion of Mr. Terry,

Mr. Taylor of Norfolk city was granted an indefinite leave of absence.

No. 95, Senate bill to amend and re-enact section 12, chapter 63 of the Code of Virginia (1860), so as the more effectually to require millers to grind for toll all grain brought to their mills for the consumption of the person bringing or sending it, or his family, was taken up, read the third time and passed with its title.

No. 82, Senate bill to provide for the assessment and collection of State taxes within the town of Suffolk, Nansemond county, was taken up, on motion of Mr. Boykin, read the second, and ordered to be engrossed and read a third time; and being forthwith engrossed, was, on his further motion (two-thirds concurring), read the third time and passed with its title.

Ordered, That the clerk inform the House of Delegates thereof and request their concurrence therein.

Mr. Lackland moved to take up,

No. 84, Senate bill to preserve all rights and remedies imperiled or destroyed by the loss or destruction (during the late war) of papers filed in the various public offices of the Commonwealth; and the question being put thereon, resulted, on division—ayes 18, noes 3. No quorum voting, thereupon

Mr. Herndon moved to adjourn; and the question being put thereon, was determined in the negative.

It appearing that a quorum was now present, and the question recurring on the motion to take up the bill, was put and determined in the affirmative, on division—ayes 17, noes 5.

The bill was read the second time, and the amendments proposed by the committee for courts of justice were agreed to, and the bill as amended was ordered to be engrossed and read a third time.

No. 68, Senate bill to amend the first section of an act entitled an act to amend an act to incorporate the Valley Railroad Company, passed March 1st, 1869, was taken up, read the third time and passed with its title.

No. 74, Senate bill declaring and prescribing what fees a justice of the peace may charge for services connected with the trial of warrants for small claims, was taken up, read the third time and passed with its title.

No. 79, Senate bill to provide for proving papers filed or recorded in the offices of the Board of Public Works and the Board of Education, was taken up, read the third time and passed.

The amendment to the title as proposed by the committee for courts of justice was agreed to, and the title as amended was then agreed to in these words :

"An act to amend and re-enact section 5 of chapter 176 of the Code of 1860, in relation to copies of records and papers in public offices as evidence."

Ordered, That the clerk inform the House of Delegates of the passage of these three bills and request their concurrence therein.

No. 53, House bill entitled an act to incorporate the Society of the Alumni of the University of Virginia, was taken up, and the amendments proposed by the committee on public institutions were agreed to, and the bill as amended was read the third time and passed with its title.

Ordered, That the clerk inform the House of Delegates thereof and request their concurrence in the amendments.

No. 24, House bill entitled an act for the relief of Robert M. Heterick, late superintendent of schools for Rappahannock county, was taken up, read the third time, and the question on the passage thereof being put, was determined in the affirmative—ayes 22, noes 2.

The vote was recorded as follows :

Ayes—Messrs. Anderson of Pittsylvania, Anderson of Rockbridge, Beazley, French, Greene, Greever, Grimsley, Herndon, Hundley, Johnson, Lewis, Martin, Patterson, Penn, Perrin, Rixey, Smith, Stevens, Terry, Thomas, Ward, and Wynne—22.

Noes—Messrs. Pridemore and Robinson—2.

The title of the bill was then agreed to.

Ordered, That the clerk inform the House of Delegates thereof.

On motion of Mr. Holladay, the Senate adjourned until to-morrow, twelve o'clock.

THURSDAY, JANUARY 23, 1873.

Prayer by Rev. Dr. Miller.

A communication from the House of Delegates, by their clerk, was read as follows:

In House of Delegates, January 22, 1873.

The House of Delegates have agreed to Senate joint resolution instructing the Senators in Congress from Virginia to vote against the repeal of the Bankrupt law, and requesting the Representatives from Virginia to unite their efforts with said Senators therein ; and Senate resolution that the Governor be requested to give official notice to the creditors of the State of the meeting proposed to be held in the city of Richmond on the 15th of February next, and invite their attendance.

Mr. Herndon, from the committee for courts of justice, reported without amendment,

No. 121, Senate bill to amend section 5 of chapter 125 of the Code of 1860, in relation to the maintenance of illegitimate children.

Mr. Herndon, by leave, presented

No. 151, A bill to incorporate the United States Gold and Silver Amalgamating Company of Virginia; which, on his motion, was read the first, and ordered to be read a second time, and referred to the committee on general laws.

Mr. Greene, by leave, presented

No. 152, A bill to amend and re-enact section 11, chapter 141 of the Code (1860), in relation to the interest on money; which, on his motion, was read the first, and ordered to be read a second time, and referred to the committee on finance.

Mr. Roller, by leave, presented

No. 153, A bill to amend and re-enact an act entitled an act in relation to the interest on money, approved March 15th, 1870, so as to provide that six per cent. shall be legal rate of interest; which, on his motion, was read the first, and ordered to be read a second time.

No. 116, Senate bill for the assessment of taxes on persons, property, income, licenses, &c., was taken up, on motion of Mr. Thomas; and, on his further motion, laid on the table and made the order of the day for to-morrow, and for each succeeding day until disposed of.

On motion of Mr. Grimsley,

Mr. Herndon was granted leave of absence for the remainder of this week.

Mr. Roller offered the following preamble and joint resolutions, which lie over under the rules:

Whereas it is considered by the General Assembly of Virginia that the present is a favorable time for a cordial co-operation on the part of the State of Virginia and West Virginia to effect the completion of the James River and Kanawha Canal from its terminus to the Ohio river; and whereas it is deemed of great importance by the friends of the canal that the earnest desire of the people of the State for the completion of this great enterprise, should be officially represented before the Congress of the United States; and whereas similar action has already been had or is confidently expected on the part of West Virginia; therefore,

1. Resolved by the Senate (the House of Delegates concurring), That Charles S. Carrington, President of the James River and Kanawha Canal Company, Robert W. Hughes, Archibald Graham, and Wm. P. Burwell are hereby appointed commissioners on the part of the State of Virginia, whose duty it shall be to place before the Congress of the United States the memorials heretofore adopted, and such legislation as has been heretofore or shall hereafter be had by the General Assembly of Virginia in relation to the James River and Kanawha Canal, and to further by their efforts any action on the part of the Congress of the United States looking to the completion of the same.

2. Resolved, That the Governor of this State be requested to transmit a copy of these resolutions to the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States.

On motion of Mr. Roller, the rules being suspended therefor, the joint resolutions were referred to the committee on federal relations.

On motion of Mr. Roller,

Resolved, That the committee on county, city, and town organizations be instructed to enquire into the expediency of so amending the law as to place the collection of the road taxes in the hands of the township collector, and allowing such collectors a reasonable commission on the same, instead of paying the overseers of roads \$2.00 per day for such collections.

On motion of Mr. Boykin,

Resolved, That the committee on county, city, and town organizations enquire into the expediency of so amending the law as to provide that county treasurers, appointed by the county court, be allowed the same time for settling their business as those elected.

On motion of Mr. Kirkpatrick,

Resolved, That the Superintendent of Public Printing be requested to make a calculation showing what it costs, under his contracts to print —say Senate document No. 8—as the same was done, and what the same work would have cost if done as the Senate and House bills are now printed, and that he report the same to the Senate.

The resolution from the committee on federal relations requesting information from the Auditor of Public Accounts in relation to amounts expended by boundary-line commissioners, was taken up, on motion of Mr. Roller, and agreed to.

Mr. Wynne presented the report of the commissioners appointed under the joint resolution agreed to March 20th, 1872, to receive proposals for plans to carry out the removal of the penitentiary; which, on his motion, was ordered to be printed. (Doc. No. 11.)

No. 37, House bill entitled an act to amend and re-enact section 63 of chapter 385 of Acts of 1871-72, as to collection of tax on coupons, being the unfinished business of last Thursday, was taken up, and the pending question being on the motion heretofore offered by Mr. Fitzpatrick to lay the bill on the table,

Mr. French made an unsuccessful motion to postpone the consideration of the bill for the purpose of proceeding to the consideration of bills on their second reading.

The question recurring on the motion to lay the bill on the table, a message was received from the House of Delegates by Mr. Fitzgerald, who informed the Senate that that House is ready on its part to proceed to the execution of the joint order of the day, which has for its object the election of a judge for the county court of Roanoke.

Mr. Kirkpatrick moved that the House of Delegates be informed that the Senate is ready on its part to proceed to the execution of the said joint order, which was agreed to; and Mr. Lackland was

Ordered, To inform the House of Delegates thereof.

Mr. Lackland nominated for the office of judge of the county court of Roanoke, Col. Green B. Board; and, on his motion, it was

Ordered, That he inform the House of Delegates that Col. Board is the only person in nomination in the Senate for that office.

A message was received from the House of Delegates by Mr. Fitzgerald, who informed the Senate that no additional nominations for the office of county judge of Roanoke had been made in that House.

The roll was then called, with the following result:

For Col. Green B. Board,	-	-	-	28
John A. McCaull,	-	-	-	2
L. T. Custer,	-	-	-	1

Senators who voted for Col. Board, are—Messrs. Anderson of Pittsylvania, Anderson of Rockbridge, Beazley, Cochran, Fitzpatrick, French, Greever, Grimsley, Holladay, Hundley, Johnson, Kirkpatrick, Lackland, Lewis, Meem, Nowlin, Patterson, Penn, Perrin, Pridemore, Quesenberry, Rixey, Robinson, Smith, Taylor of Loudoun, Thomas, Ward, and Wynne—28.

The Senators who voted for Mr. McCaull, are—Messrs. Graham and Stovens—2.

The Senator who voted for Mr. Custer—Mr. Massey—1.

The President appointed Messrs. Lackland and Nowlin a committee on the part of the Senate to meet a similar committee on the part of the House and count the joint vote, who, through its chairman, Mr. Lackland, reported,

Whole number of votes cast,	-	-	124
Necessary to a choice,	-	-	63
Of which Green B. Board received	-	-	114
John A. McCaull received	-	-	8
L. T. Custer received	-	-	1
G. B. Fitzgerald received	-	-	1

Col. Green B. Board having received a majority of all the votes cast, was declared duly elected county judge of Roanoke county for the unexpired term of that office.

The question recurring on the motion to lay on the table House bill No. 37, which was under consideration when the Senate proceeded to the execution of the joint order of the day, Mr. Johnson demanded the pending question, which was ordered; and being put, was determined in the affirmative—ayes 17, noes 14.

On motion of Mr. Thomas, the vote was recorded as follows:

Ayes—Messrs. Cochran, Fitzpatrick, French, Greever, Grimsley, Lackland, Martin, Norton, Penn, Pridemore, Quesenberry, Rixey, Robinson, Roller, Rue, Smith, and Ward—17.

Noes—Messrs. Anderson of Pittsylvania, Anderson of Rockbridge, Beazley, Boykin, Holladay, Hundley, Johnson, Kirkpatrick, Lewis Meem, Nowlin, Perrin, Taylor of Loudoun, and Thomas—14.

No. 16, Senate bill in relation to the lease of the penitentiary, being the order of the day, was taken up, on motion of Mr. Smith; and the question being on agreeing to the amendments proposed by the committee on public institutions—pending which,

On motion of Mr. Nowlin, the Senate adjourned until to-morrow, twelve o'clock.

FRIDAY, JANUARY 24, 1873.

Mr. Thomas, President pro tempore, in the chair.

Prayer by Rev. Dr. Miller.

Mr. Kirkpatrick, from the committee on public institutions, reported with an amendment,

No. 74, House bill entitled an act to amend and re-enact sections 22, 23, 24, 25, 26, and 27 of chapter 85 of the Code of 1860, in relation to the examination of persons suspected of lunacy.

Mr. Penn, from the committee of privileges and elections, presented No. 154, A bill to amend and re-enact section 72 of an act entitled an act to provide for a general election, approved May 11th, 1870.

Mr. Grimsley, from the committee on county, city, and town organizations, reported without amendment,

No. 132, Senate bill to authorize the Township Board of Tanner's Creek Township to contract annually for keeping in repair the public roads in district No. 1, in said township.

Mr. Wynne, by leave, presented

No. 155, A bill to authorize the city of Richmond to contribute to the building of a railroad from Keysville to Clarksville; which, on his motion, was read the first, and ordered to be read a second time, and referred to the committee on roads and internal navigation.

Mr. Wynne, by leave, presented

No. 156, A bill to authorize the Roanoke Valley Railroad Company to construct a wagon-way across their bridge at Clarksville; which, on his motion, was read the first, and ordered to be read a second time, and referred to the committee on roads and internal navigation.

Mr. Thomas, by leave, presented

No. 157, A bill to amend and re-enact the 3rd section of the act passed July 9th, 1870, incorporating the Fairfax County Narrow Gauge Elevated Railroad Company; which, on his motion, was read the first, and ordered to be read a second time.

Mr. Penn offered the following resolution:

Resolved, That the Senate will, at two o'clock each day, proceed to the consideration of the assessment bill until it is disposed of.

The question on agreeing to the resolution being put, was determined in the negative.

On motion of Mr. Lackland,

Resolved, That the committee for courts of justice enquire into and report what relief, if any, can be granted to the county of Alleghany against the payment of damages to the proprietors of lands in that county, occasioned by the construction of the Covington and Ohio railroad while it was a State improvement under the control of the Board of Public Works.

On motion of Mr. Lackland,

Resolved, That the committee for courts of justice enquire what further legislation, if any, is necessary to enforce and carry out more effectually the provisions of the act passed January 15th, 1866, entitled an act providing for the punishment of vagrants.

Mr. Cochran, by leave, presented

Petition of land holders and tax payers of Augusta county asking relief from unjust and unequal taxation by the passage of a bill equalizing the values of real estate throughout the State, or a bill authorizing a re-assessment of the lands of Augusta county; which, on his motion, was referred to the committee on finance.

The President laid before the Senate a communication from the Superintendent of Public Printing in response to a resolution of the Senate enquiring as to the relative cost of printing documents as now printed and printing them as bills are now printed; which, on motion of Mr. Thomas, was referred to the committee on printing.

Mr. Roller, from the committee on federal relations, reported without amendment,

Senate joint resolutions appointing commissioners on the part of the State of Virginia to represent the wishes of her people in relation to the completion of the James River and Kanawha Canal before the Congress of the United States.

Mr. Holladay, from the committee on roads and internal navigation, reported without amendment,

No. 119, Senate bill to amend and re-enact the 1st and 2nd sections of the act entitled an act to incorporate the Virginia and Northwestern Railroad Company.

Mr. Fitzpatrick, from the committee on general laws, reported with an amendment to the title,

No. 139, Senate bill to amend and re-enact the 5th section of an act passed March 20th, 1872, in relation to fences and the protection of crops.

And he, from the same committee, reported with a substitute therefor,

No. 112, Senate bill requiring the Treasurer of the Joint Ferry Company of Norfolk county and the city of Portsmouth to report.

No. 16, Senate bill in relation to the lease of the penitentiary, being the unfinished business of yesterday, was taken up; and the questions being put on agreeing to the 1st, 2nd, 3rd, 4th, 5th, 6th, and 7th amendments of the committee on public institutions, were determined in the affirmative.

The question being on agreeing to the 8th amendment of the committee, on motion of Mr. Anderson of Rockbridge, the same was amended by striking out the words "any such property," and inserting in lieu thereof the words "all personal property other than machinery and tools;" and the 8th amendment as amended was then agreed to.

The 9th amendment of the committee was then agreed to.

On motion of Mr. Wynne, modified at the suggestion of Mr. Anderson of Rockbridge, the bill was further amended by inserting after the word "penitentiary," in the 5th line of 3rd section, the words "and also for the removal."

On motion of Mr. Wynne, modified at the suggestion of Mr. Anderson of Rockbridge, the bill was further amended by inserting after the word "thereof," in the 14th line of first clause of 3rd section, the words "and also for any cost incurred in the removal of the penitentiary."

On motion of Mr. Cochran, the same clause was further amended by striking out, in the 12th line, the words "the penitentiary," and inserting in lieu thereof the words "officers, salaries, house expenses, transportation of convicts to the penitentiary, interior guard, exterior guard, money, mileage, and clothing to discharged convicts, or any other expense incurred in a humane and proper management of the institution."

On motion of Mr. Cochran, the same clause was amended by striking out, in the 12th line, the word "repair," and inserting in lieu thereof the words "repairs of the buildings or machinery."

Mr. Wynne moved further to amend the bill by striking out the whole of the "5th clause of 3rd section," and inserting in lieu thereof the following:

"5. The commissioners shall be authorized to contract with the lessee or other parties for the removal of the penitentiary to such site within fifteen miles of the city of Richmond and two miles of a line of railroad; provided, that no cost or liability shall be incurred by or imposed upon the State by such removal, or in the purchase of a new site, or the erection of machinery and buildings thereon, over and above the proceeds arising from any sale of the present grounds and buildings of the penitentiary, the commissioners are hereby authorized to make; and provided further, that the buildings erected shall be equal in value, extent, convenience, durability, and in all other respects to those now in use, and shall be erected under the supervision of the said commissioners."

The question being on agreeing to the amendment,

Mr. Pridemore moved to amend the amendment by striking out the words "within fifteen miles," and inserting in lieu thereof the words "not within forty miles;" and the question being put thereon, was determined in the negative—ayes 4, noes 32.

On motion of Mr. Pridemore, the vote was recorded as follows:

Ayes—Messrs. French, Grimsley, Pridemore, and Smith—4.

Noes—Messrs. Anderson of Pittsylvania, Anderson of Rockbridge, Beazley, Buoykin, Cochran, Connally, Fitzpatrick, Graham, Greene, Greever, Holladay, Hundley, Johnson, Lackland, Lewis, Martin, Massey, Meem, Norton, Nowlin, Penn, Perrin, Quesenberry, Rixey, Robinson, Roller, Stevens, Taylor of Loudoun, Terry, Thomas, Ward, and Wynne—32.

The question recurring on agreeing to the amendment of Mr. Wynne,

Mr. Anderson of Rockbridge moved to amend the same by striking out the words "city of Richmond," and inserting in lieu thereof the words "some town having over five thousand inhabitants;" and the question being put thereon, was determined in the negative.

The question recurring on agreeing to the amendment,

Mr. French moved to amend the same by striking out the words "within fifteen miles of the city of Richmond," and inserting in lieu thereof the words "to any point in the State and within;" and the question being put thereon, was determined in the negative—ayes 19, noes 19.

On motion of Mr. Smith, the vote was recorded as follows:

Ayes—Messrs. Anderson of Rockbridge, Beazley, Cochran, French, Grever, Grimsley, Hundley, Kirkpatrick, Lackland, Meem, Norton, Penn, Pridemore, Rixey, Robinson, Roller, Smith, Taylor of Loudoun, and Thomas—19.

Noes—Messrs. Anderson of Pittsylvania, Boykin, Connally, Fitzpatrick, Graham, Greene, Holladay, Johnson, Lathrop, Lewis, Martin, Massey, Nowlin, Perrin, Quesenberry, Stevens, Terry, Ward, and Wynne—19.

On motion of Mr. Wynne, the vote by which the amendment to the amendment was rejected was re-considered, and the question recurring on agreeing to the amendment to the amendment, and being put, was determined in the affirmative; and the amendment as amended was then agreed to.

Mr. Anderson of Rockbridge moved to amend the 8th clause of 3rd section, by adding at the end thereof the words “the commissioners shall report their proceedings under this act as early as practicable.”

The question being on agreeing to the amendment,

Mr. Fitzpatrick moved to amend the amendment by adding at the end thereof the words “but any contract made by the said commissioners not in accordance with the provisions of this bill, shall not be binding on the Legislature or the State;” and the question being put thereon, was determined in the affirmative, and the amendment as amended was then agreed to.

On motion of Mr. Wynne, the 7th clause of 3rd section was amended by striking out the words “of the lessee,” and inserting in lieu thereof the words “of the contractors for the removal and of the lessees.”

The bill as amended was then ordered to be engrossed and read a third time.

No. 116, Senate bill for the assessment of taxes on persons, property, income, licenses, &c., being the order of the day, was taken up, on motion of Mr. Thomas, and read the second time.

The clerk then proceeded to read the bill by sections.

The 14th section of the bill was amended, on motion of Mr. Fitzpatrick (modified at the suggestion of Mr. Thomas), by striking out, in the 5th line, the words “an act,” and inserting in lieu thereof the words “the several acts;” and by striking out, in the 7th, 8th, 9th, and 10th lines, the words “approved July 9th, 1870, and the act in force 1st February, 1872, and the act in force February 21st, 1872.”

On motion of Mr. Kirkpatrick, the 48th section was amended by striking out, in the 9th line, the word “solvent,” and inserting after the word “person,” in the 10th line, the words “except such as he will declare on oath he believes to be insolvent.”

On motion of Mr. Penn, the 26th section was amended by adding at the end thereof the words “where changes are made in consequence of the change of boundary of any township, the fact shall be noted on the land-book; but no compensation shall be allowed the commissioner thereof.” Thereupon,

On motion of Mr. Fitzpatrick, the Senate adjourned until to-morrow, twelve o'clock.

SATURDAY, JANUARY 25, 1873.

Mr. Thomas, President pro tempore, in the chair.

Prayer by Rev. Dr. Miller.

Mr. Roller, from the committee for courts of justice, reported with an amendment,

No. 57, House bill entitled an act to amend and re-enact an act entitled an act to prescribe the times for holding the circuit courts of the State, in force 19th March, 1872.

He, from the same committee, reported with an amendment,

No. 149, Senate bill to amend the 1st section of an act entitled an act to amend and re-enact an act to authorize the circuit courts of the Commonwealth to grant charters of incorporation, and to repeal sections 4, 5, 6, 7, 8, 9, and 10 of chapter 65, and section 54 of chapter 57 of the Code of Virginia (edition of 1860), approved March 20th, 1871, in force March 21st, 1872, authorizing judges in vacation to amend charters of incorporation.

He, from the same committee, presented

No. 158, A bill to amend and re-enact section 3 of an act passed March 3rd, 1866, providing for adjustment of liabilities arising under contracts and wills made between 1st day of January, 1862, and the 10th day of April, 1865.

He, from the same committee, presented

No. 159, A bill providing how liens upon real estate may be discharged.

And he, from the same committee, presented a report declaring it inexpedient to legislate on the subject of a petition of the Bar of Winchester to amend chapters 128 and 129 of the Code of Virginia.

Mr. Roller, from the committee on banks, reported without amendment,

No. 58, Senate bill to incorporate the Rockingham Bank.

Mr. Anderson of Pittsylvania, by leave, presented

No. 160, A bill to amend and re-enact sections 8, 25, and 38 of chapter 162 of the Code of 1860, in relation to services generally, as amended by an act approved February 3rd, 1871; which, on his motion, was read the first, and ordered to be read a second time, and referred to the committee for courts of justice.

A message was received from the House of Delegates by Mr. Coghill, who informed the Senate that that House had passed Senate bill entitled an act to amend and re-enact an act entitled an act to amend and re-enact section 23 of chapter 49 of the Code of Virginia of 1860, approved July 9th, 1870, in relation to the appointment and qualification of criers of courts, No. 141, with amendments.

No. 116, Senate bill for the assessment of taxes on persons, property, income, licenses, &c., being the unfinished business of yesterday, was taken up.

A motion was made by Mr. Thomas (modified by Mr. Kirkpatrick) to amend the 56th section, by inserting after the word "property," in

the 5th line, the words "or credits;" and the question being put thereon, was determined in the affirmative, on division—ayes 15, noes 10.

Mr. Pridemore moved to amend the same section by inserting after the word "exhibit," in the 4th line, the words "when required so to do;" and the question being put thereon, was determined in the negative, on division—ayes 18, noes 16.

Mr. Roller moved to amend the 60th section by striking out the words "deducting from the aggregate amount thereof all such bonds, demands or claims, not otherwise deducted, owing to others from such persons as principal debtor, and not as guarantor, endorser or surety."

The question being on agreeing to the amendment,

Mr. Roller, by general consent, withdrew the same for the present, and moved to amend the 14th section of the bill by adding the words "provided, that the assessor shall, in ascertaining the real estate in his township, city, or town, and the person to whom the same is chargeable, deduct from the aggregate amount thereof all bonds, demands or claims, not otherwise deducted, owing from such person as principal debtor, and not as guarantor, endorser or surety;" and the question on agreeing thereto being put, was determined in the negative—ayes 7, noes 16.

On motion of Mr. Ward, the vote was recorded as follows:

Ayes—Messrs. French, Greever, Norton, Pridemore, Quesenberry, Roller, and Ward—7.

Noes—Messrs. Anderson of Pittsylvania, Anderson of Rockbridge, Beazley, Grimsley, Holladay, Hundley, Johnson, Kirkpatrick, Lackland, Lewis, Meem, Penn, Perrin, Rixey, Taylor of Loudoun, and Thomas—16. Thereupon

Mr. Roller renewed his amendment to the 60th section, submitted this morning, and the question on agreeing thereto being put, was determined in the affirmative—ayes 17, noes 5.

On motion of Mr. Roller, the vote was recorded as follows:

Ayes—Messrs. Anderson of Rockbridge, Beazley, Greever, Grimsley, Holladay, Hundley, Johnson, Kirkpatrick, Lewis, Meem, Norton, Perrin, Quesenberry, Rixey, Roller, Taylor of Loudoun, and Ward—17.

Noes—Messrs. Anderson of Pittsylvania, Lackland, Penn, Pridemore, and Thomas—5.

Mr. Hundley moved that the Senate adjourn, and the question being put thereon, was determined in the affirmative—ayes 12, noes 11.

On motion of Mr. Thomas, the vote was recorded as follows:

Ayes—Messrs. Anderson of Pittsylvania, French, Greever, Grimsley, Holladay, Hundley, Johnson, Kirkpatrick, Norton, Penn, Quesenberry, and Smith—12.

Noes—Messrs. Beazley, Lackland, Lewis, Meem, Perrin, Pridemore, Rixey, Roller, Taylor of Loudoun, Thomas, and Ward—11.

The President announced the Senate adjourned until Monday, twelve o'clock.

MONDAY, JANUARY 27, 1873.

Mr. Thomas, President pro tempore, in the chair.

Prayer by Rev. J. Z. Tyler.

No. 141, Senate bill entitled an act to amend and re-enact an act to amend and re-enact section 23 of chapter 49 of the Code of Virginia of 1860, approved July 9th, 1870, in relation to the appointment and qualification of criers of courts, with the amendments proposed by the House of Delegates, was taken up, and said amendments were agreed to.

Ordered, That the clerk inform the House of Delegates thereof.

A communication from the House of Delegates, by their clerk, was read as follows:

In House of Delegates, January 26, 1873.

The House of Delegates have receded from their disagreement to the amendment of the Senate, and have agreed to said amendment of the Senate to House bill entitled an act to amend and re-enact an act entitled an act to amend and re-enact an act entitled an act for the relief of the late sheriffs of the Commonwealth, approved February 21st, 1872, No. 16; and have agreed to the amendments of the Senate to House bill entitled an act to authorize the Virginia and North Carolina Railroad Company to assume and be known by the name of the Washington City, Alexandria, Lynchburg and North Carolina Railroad Company, No. 75.

They have passed Senate bills entitled an act to enable the trustees of the Presbyterian church of Harrisonburg, Rockingham county, and their successors in office to receive and hold a bequest under the will of Ann Davidson, deceased, No. 96; an act to amend section 14 of chapter 19 of Code of 1860, directing the committee on the library to make purchases for the library, No. 104; and an act to incorporate the Richmond Building and Improvement Company, No. 140; and have agreed to the amendments of the Senate to House bill entitled an act to authorize and empower the Council of the city of Richmond to increase the salaries of the judges of the circuit, chancery, and hustings courts of said city, No. 6, with amendments; in which they respectfully request the concurrence of the Senate.

No. 6, House bill entitled an act to authorize and empower the Council of the city of Richmond to increase the salaries of the judges of the circuit, chancery, and hustings courts of said city, with the amendments proposed by the House of Delegates to the amendments of the Senate, was taken up, and, on motion of Mr. Roller, laid on the table.

Mr. Grimsley, from the committee on county, city, and town organizations, presented a report declaring that it is unnecessary to legislate on the subject of the following resolution, as it is already provided for by law :

"Resolved, That the committee on county, city, and town organizations be instructed to enquire into the expediency of so amending the law as to place the collection of the road taxes in the hands of the town-

ship collectors, and allowing such collectors a reasonable commission on the same, instead of paying the overseers of roads two dollars per day for such collections."

Mr. Ward presented a petition of the citizens of Clarke county, requesting that the Board of Public Works be instructed to resume the ownership of State stock in the Loudoun and Hampshire Railroad Company, &c.; which, on his motion, was referred to the committee for courts of justice.

Mr. Greene, by leave, presented

No. 161, A bill to amend and re-enact section 61 of an act imposing taxes for the support of government and free schools, and to pay the interest on the public debt, approved April 5th, 1872; which, on his motion, was read the first, and ordered to be read a second time, and referred to the committee on finance.

Mr. Greerer, by leave, presented

No. 162, A bill to authorize county surveyors to take acknowledgments of deeds; which, on his motion, was read the first, and ordered to be read a second time, and referred to the committee on general laws.

On motion of Mr. Meem,

Resolved, That the Governor's recent message be referred to the committee on finance.

On motion of Mr. Lackland,

Mr. Robinson was granted a leave of absence for three days.

Mr. Roller, by leave, presented

No. 163, A bill to authorize the Governor to hire out convicts in the penitentiary to the Washington, Cincinnati, and St. Louis Railroad Company upon certain conditions; which, on his motion, was read the first, and ordered to be read a second time, and referred to the committee on public institutions.

Mr. Roller, by leave, presented

No. 164, A bill to authorize counties, cities, towns, and townships to endorse the bonds of the Washington, Cincinnati, and St. Louis Railroad Company; which, on his motion, was read the first, and ordered to be read a second time, and referred to the committee on general laws.

On motion of Mr. Quesenberry,

Resolved, That, until otherwise ordered, the Senate will, on every Monday morning, devote the hours from twelve till two o'clock to the consideration of the bills on the calendar.

No. 49, House bill for the relief of Samuel R. Allabaugh, late sheriff of Rockingham county, was taken up, on motion of Mr. Roller; and, on his further motion, was amended, and as amended read the third time and passed with its title.

Ordered, That the clerk inform the House of Delegates thereof and request their concurrence in the amendments.

No. 84, Senate bill to preserve all rights and remedies imperiled or destroyed by the loss or destruction (during the late war) of papers filed in the various public offices of the Commonwealth, was taken up, read the third time and passed with its title.

Ordered, That the clerk inform the House of Delegates thereof and request their concurrence therein.

No. 16, Senate bill in relation to the lease of the penitentiary, was taken up, when Mr. Grimsley moved to reconsider the vote by which the bill was ordered to its engrossment and third reading. Thereupon

Mr. Hundley moved to lay the bill on the table and make it the order of the day for to-morrow, at one o'clock; and the question thereon being put, was determined in the negative, on division—ayes 11, noes 13.

The question recurring on the motion to reconsider the engrossment and third reading, was put, and determined in the affirmative.

Mr. Quesenberry made a motion (modified at the suggestion of Mr. Grimsley) that the bill be laid on the table and printed.

Mr. Taylor of Loudoun offered as a substitute for the motion the following resolution :

Resolved, That the bill under consideration be recommitted to the committee on public institutions, with instructions to report, by bill or otherwise, upon each of the propositions in the bill, viz : "The leasing and the removing of the penitentiary."

The question on agreeing to the substitute being put, was determined in the negative.

The question recurring on the motion to lay on table and print, and being put, was determined in the affirmative.

A message was received from the House of Delegates by Mr. Taliaferro, who informed the Senate that that House had agreed to a joint resolution to appoint a committee to adjust the State debt.

Mr. Boykin, by leave, presented

No. 165, A bill to provide a new charter for the city of Portsmouth ; which, on his motion, was read the first, and ordered to be read a second time, and referred to the committee on general laws.

Mr. Roller (in behalf of Mr. Holladay), by leave, presented

No. 166, A bill for the relief of Sarah F. Gayle of the city of Norfolk ; which, on his motion, was read the first, and ordered to be read a second time, and referred to the committee on finance.

No. 116, A bill for the assessment of taxes on persons, property, income, licenses, &c., being the unfinished business of Saturday, was taken up, and, on motion of Mr. Thomas, the 60th section of the bill was amended by striking out the word "solvent," in the seventh line, and by inserting after the word "country," in the ninth line, the words "except such as he will declare on oath he believes to be insolvent."

Mr. French moved to amend the 91st section of the bill by striking out after the word "counties," in the seventeenth line, the words "and it shall be the duty of the Auditor of Public Accounts to furnish the Board of Supervisors of each of the counties of this State, through which any railroad or canal passes, such estimated value of the property herein above specified, as appears from such report to be within the limits of each of said counties; and the said supervisors of each county as aforesaid, shall be authorized to apportion the valuation of such road or canal within the limits of their respective counties, furnished as aforesaid, among the respective townships through which said road or canal passes"—pending which,

Mr. Martin made an unsuccessful motion to adjourn.

The question recurring on the amendment,

Mr. Kirkpatrick demanded the pending question; which was ordered, and being put, was determined in the negative—ayes 8, noes 19.

On motion of Mr. Penn, the vote was recorded as follows:

Ayes—Messrs. Boykin, French, Johnson, Kirkpatrick, Penn, Pride-more, Quesenberry, and Smith—8.

Noes—Messrs. Anderson of Pittsylvania, Anderson of Rockbridge, Beazley, Greever, Grimsley, Herndon, Hundley, Lackland, Lewis, Martin, Meem, Norton, Nowlin, Perrin, Rixey, Roller, Taylor of Loudoun, Thomas, and Ward—19.

Mr. French moved to amend the same section by striking out the word “townships,” in the twenty-fifth line, and inserting in lieu thereof the word “counties”—pending which,

On motion of Mr. Boykin, the Senate adjourned until to-morrow, twelve o’clock.

TUESDAY, JANUARY 28, 1873.

Mr. Thomas, President pro tempore, in the chair.

Prayer by Rev. J. Z. Tyler.

House joint resolution to appoint a committee to adjust the State debt, was taken up and concurred in; and the President appointed as the committee on the part of the Senate, Messrs. Cochran, Kirkpatrick, Quesenberry, and Taylor of Norfolk city.

Ordered, That the clerk inform the House of Delegates thereof.

A communication from the House of Delegates, by their clerk, was read as follows:

In House of Delegates, January 27, 1873.

The House of Delegates have passed Senate bill entitled an act to amend and re-enact sections 17 and 22 of an act amending the charter of the town of Harrisonburg, passed July 9th, 1870, No. 102; and have agreed to Senate joint resolution instructing the Auditor of Public Accounts to subject the property of the Chesapeake and Ohio Railroad Company to the payment of taxes due in arrear. They have passed Senate bill entitled an act to amend and re-enact the 9th section of chapter 108 of the Code of 1860, in reference to marriages within prohibited degrees of relationship, No. 77, with amendments; in which they respectfully request the concurrence of the Senate.

No. 77, Senate bill entitled an act to amend and re-enact the 9th section of chapter 108 of the Code of 1860, in reference to marriages within prohibited degrees of relationship, with the amendments proposed by the House of Delegates, was taken up and the amendments agreed to.

Ordered, That the clerk inform the House of Delegates thereof.

Mr. Herndon, from the committee for courts of justice, presented the following report:

The committee for courts of justice have, according to order, had under consideration a resolution requesting information from the Board of Public Works as to bonds due by the Alexandria, Loudoun and Hampshire Railroad Company, and instructing said committee to report whether or not said Alexandria, Loudoun and Hampshire Railroad Company by its failure to comply with the provisions of the act disposing of the State's interest in said road, and the deed of trust made in pursuance of said act, has made such a forfeiture as to authorize said Board of Public Works to resume the absolute ownership, possession, and control of the stock of the State in said road, &c., and beg leave to report that the Attorney-General of the State having filed a written opinion before your committee to the effect that upon the facts as presented to him, there has been such a forfeiture and that the State has the right to resume control of the stock sold by the Board of Public Works to said company, your committee recommend that the Board of Public Works be directed, under the advisement of the Attorney-General, to take such steps as they deem best to enforce said forfeiture.

Mr. Grimsley, from the committee on county, city, and town organizations, reported with the recommendation that it do not pass,

No. 150, Senate bill providing for change of names of townships where two townships are called by the same name.

Mr. Holladay, from the committee on roads and internal navigation, presented

No. 167, A bill directing the Board of Public Works to sell the State's interest in the Richmond, Fredericksburg and Potomac Railroad Company.

And he, from the same committee, reported with a substitute therefor, Senate resolution in relation to the Upper Appomattox Company.

Mr. Penn, from the committee of privileges and elections, reported with amendments,

No. 127, Senate bill to amend and re-enact section 7 of an act entitled an act to provide for the general registration of voters, approved April 12th, 1870, as amended by the act approved March 14th, 1872, in relation to the general registration of voters.

Mr. Thomas, by leave, presented

No. 168, A bill to amend and re-enact the 1st section of the act passed March 4th, 1872, amending and re-enacting the act passed July 11th, 1870, entitled an act to incorporate the Potomac and Manassas Railroad Company; which, on his motion, was read the first, and ordered to be read a second time.

On motion of Mr. Stevens,

Resolved, That the committee for courts of justice be instructed to enquire and report what legislation, if any, is necessary to prevent the exclusion of colored men from service as jurors in the courts of this Commonwealth.

On motion of Mr. Nutting,

Resolved, That the committee on constitutional amendments be instructed to enquire into the expediency of so amending the Constitution

of this State as to provide for the election of all the judicial officers of this Commonwealth by a direct vote of the people, said election to be governed by the general election law now in force.

On motion of Mr. Hundley, it was

Ordered, That the Senate proceed to the consideration of bills on their second reading.

No. 62, Senate bill to provide for the publication of the laws of the Commonwealth in the newspapers published in this State immediately after their passage, was taken up, read the second time, and, on motion of Mr. Taylor of Loudoun, indefinitely postponed.

No. 64, Senate bill declaring all domesticated animals and birds personal property, was taken up and read the second time—when

Mr. Taylor of Loudoun moved to amend the bill by adding at the end of the first section the following: “provided, however, that the owners of such animals and birds shall be responsible for all damage committed by them”—pending which,

On motion of Mr. Lackland, the bill was indefinitely postponed.

No. 100, Senate bill to incorporate the town of Rocky Mount, in the county of Franklin, was taken up, read the second time, and the substitute proposed by the committee on general laws agreed to; and the bill, as amended, was ordered to be engrossed and read a third time.

No. 87, Senate bill to authorize the Board of Supervisors for Wythe county to contract for keeping in repair certain public roads in said county, was taken up, read the second, and ordered to be engrossed and read a third time.

No. 17, Senate bill to encourage donations to the University of Virginia, and constitute the State of Virginia the trustee thereof, was taken up, read the second, and ordered to be engrossed and read a third time.

No. 90, Senate bill to establish the seals of the Commonwealth, was taken up, read the second time, and, on motion of Mr. Wynne, laid on the table.

No. 107, Senate bill to amend and re-enact sections 1, 3, 16, and 17 of chapter 130 of the Acts of 1866-67, in relation to the charter of the town of Jonesville, was taken up, read the second time, and the amendment proposed by the committee on general laws agreed to; and the bill, as amended, was ordered to be engrossed and read a third time.

No. 113, Senate bill to authorize the issue of revenue certificates for the redemption of matured coupons to bonds of the State, and to facilitate the collection of the revenue in the several counties of the State, was taken up, read the second time, and, on motion of Mr. Quesenberry, laid on the table.

No. 115, Senate bill to repeal the 60th and 61st sections of an act entitled an act imposing taxes for the support of government and free schools, and to pay the interest on the public debt, was taken up and read the second time—when

Mr. Grimsley made an unsuccessful motion to lay the bill on the table.

The bill was then ordered to be engrossed and read a third time.

Mr. Penn made an unsuccessful motion that the bill have its third reading to-day.

No. 69, Senate bill relating to the public printing and defining the duties of the Superintendent of Public Printing, was taken up, read the second time, and the question being on agreeing to the first amendment of the committee on printing, Mr. Pridemore moved to amend the same by striking out the words "eighteen hundred dollars," and inserting in lieu thereof the words "one thousand dollars"—when

Mr. Anderson of Rockbridge demanded a division of the question; and, on this motion,

Mr. Massey called the pending question, which was ordered; and being put, was determined in the negative—ayes 10, noes 26.

On motion of Mr. Pridemore, the vote was recorded as follows:

Ayes—Messrs. Anderson of Rockbridge, Beazley, French, Kirkpatrick, Lackland, Martin, Nowlin, Pridemore, Quesenberry, and Ward—10.

Noes—Messrs. Anderson of Pittsylvania, Boykin, Cochran, Connally, Graham, Greene, Greever, Grimsley, Herndon, Holladay, Hundley, Johnson, Lewis, Massey, Meem, Norton, Nutting, Penn, Perrin, Rixey, Roller, Smith, Taylor of Loudoun, Taylor of Norfolk city, Thomas, and Wynne—26

The amendments of the committee were then agreed to, and the bill, as amended, was ordered to be engrossed and read a third time.

The President laid before the Senate a communication from the Superintendent of Public Printing in response to a resolution of the Senate requesting an estimate of cost of printing ten thousand copies of the Code, compiled and submitted to the General Assembly by G. W. Munford; which, on motion of Mr. Penn, was referred to the committee for courts of justice.

No. 70, Senate bill to repeal chapter 256 of the Acts of 1870-71, entitled an act to amend and re-enact sections 6, 8, 14, and 15, and to repeal sections 7, 16, 17, and 18 of chapter 150 of the Code of Virginia (edition of 1860), concerning warrants for small claims, and to revive, amend, and re-enact sections 6, 7, 8, 14, 15, 16, 17, and 18 of chapter 150 of the Code of Virginia, was taken up, read the second, and ordered to be engrossed and read a third time.

No. 93, Senate bill to amend and re-enact the 83rd and 84th sections of an act to amend and re-enact an act prescribing the duties and compensation of certain township officers, approved July 11th, 1870, and acts amendatory thereof, approved March 19th, 1872, was taken up, read the second time; and the question on the engrossment and third reading of the bill being put, was determined in the negative. Therefore,

Resolved, That the bill be rejected.

No. 110, Senate bill to amend and re-enact section 8, chapter 186 of the Code of Virginia, as amended and re-enacted by chapter 175 of the Session Acts of 1871-72, in regard to judgment liens, was taken up, read the second, and ordered to be engrossed and read a third time.

No. 111, Senate bill for the payment of the funeral expenses of Wm. S. Rohr, late an officer of the Senate, was taken up, read the second, and ordered to be engrossed and read a third time.

No. 89, Senate bill to amend section 81 of an act approved March 19th, 1872, entitled an act to amend and re-enact an act prescribing the duties and compensation of certain township officers, approved July 11th, 1870, and acts amendatory thereof, was taken up, read the second time, and, on motion of Mr. Penn, laid on the table.

No. 114, Senate bill to authorize the issue of certificates of State debt to the executors of Jacqueline P. Taylor for principal and interest of certain lost coupon bonds, was taken up, read the second, and ordered to be engrossed and read a third time.

No. 122, Senate bill providing for making, publishing, and selling county maps, was taken up, read the second, and ordered to be engrossed and read a third time.

No. 76, Senate bill in regard to weapons, was taken up, read the second time, and the question on the engrossment and third reading of the bill being put, was determined in the negative. Therefore,

Resolved, That the bill be rejected.

No. 101, Senate bill to authorize the Liberty and Rocky Mount Narrow Gauge Railroad Company to extend its road from Rocky Mount to the North Carolina line, was taken up, read the second time, and, on motion of Mr. Penn, laid on the table.

No. 78, Senate bill providing for the future extension of the corporate limits of the city of Richmond, was taken up, read the second time, and, on motion of Mr. Martin, amended by adding an independent section to come in after section 5; and the bill, as amended, was ordered to be engrossed and read a third time.

No. 105, Senate bill for the relief of A. W. Vaughan, collector of Francisco township, in Buckingham county, in the year 1871, was taken up, read the second, and ordered to be engrossed and read a third time.

No. 134, Senate bill to amend and re-enact section 14 of chapter 130 of the Code of 1860, as amended, in relation to property not to be sold by personal representative, was taken up, read the second, and ordered to be engrossed and read a third time.

No. 124, Senate bill to prevent the seduction of females, and amending and re-enacting the 16th section of chapter 191, in reference to the abduction of females, was taken up, read the second, and ordered to be engrossed and read a third time.

No. 117, Senate bill to amend and re-enact section 7 of an act entitled an act to protect the oyster beds in the waters of the Commonwealth, approved July 11th, 1870, so as to prevent the planting of oysters on natural beds or rocks, was taken up, read the second time, and, on motion of Mr. Boykin, amended by striking out all after the word "shall," in the fourth line, down to the word "fined," in the seventh line, and inserting in lieu thereof the words "upon conviction thereof be."

The bill as amended was ordered to be engrossed and read a third time.

Mr. Kirkpatrick, by leave, presented

No. 169, A bill to incorporate the Franklin Toll Bridge across Staunton river, in the counties of Campbell and Halifax; which, on his motion, was read the first, and ordered to be read a second time, and referred to the committee on roads and internal navigation.

Mr. Anderson of Rockbridge, by leave, presented

No. 170, A bill to incorporate the American Lithographic Stone Company of Virginia; which, on his motion, was read the first, and ordered to be read a second time, and referred to the committee on general laws.

No. 116, Senate bill for the assessment of taxes on persons, property, income, licenses, &c., being the unfinished business of yesterday, was taken up, and the pending question being on agreeing to the amendment proposed yesterday by Mr. French to the 91st section of the bill, the same was, by general consent withdrawn—when

Mr. French moved to amend the same section by inserting after the word "passes," in the 26th line, the words "provided, that said railroad and canal companies shall be authorized to levy a tax, by way of increase of freight and tolls, on the products and travel of each of the counties through which they pass, equal in amount to the levies for county and township purposes levied by each of said counties under authority conferred by this section; and provided further, that said companies shall not be allowed to increase their rates on travel and tonnage coming to the lines of their works from any other counties than those through which they pass, except for State taxes."

The question on agreeing to the amendment being put, was determined in the negative.

Mr. Pridemore moved to amend the 96th section by striking out, in the nineteenth line, the word "shall," and inserting in lieu thereof the word "may."

Mr. Johnson demanded the pending question, which was ordered; and being put, was determined in the negative—ayes 11, noes 21.

On motion of Mr. Pridemore, the vote was recorded as follows:

Ayes—Messrs. Anderson of Rockbridge, Connally, French, Greene, Kirkpatrick, Norton, Pridemore, Quesenberry, Roller, Smith, and Wynne—11.

Noes—Messrs. Anderson of Pittsylvania, Beazley, Boykin, Cochran, Grimsley, Herndon, Holladay, Hundley, Johnson, Lackland, Lewis, Martin, Meem, Nowlin, Penn, Perrin, Rixey, Taylor of Loudoun, Taylor of Norfolk city, Thomas, and Ward—21.

On motion of Mr. Kirkpatrick, the Senate adjourned until to-morrow, twelve o'clock.

WEDNESDAY, JANUARY 29, 1873.

A communication from the House of Delegates, by their clerk, was read as follows:

In House of Delegates, January 23, 1873.

The House of Delegates have agreed to the 1st, 3rd, 4th, 5th, 6th, and 8th amendments of the Senate, and have disagreed to the 2nd, 7th, and 9th amendments of the Senate to House bill entitled an act to authorize the qualified voters of the county of Halifax to vote on the question of the purchase of the toll-bridge at South Boston, in that county, in order to make it a free-bridge, No. 38; and have agreed to the amendments of the Senate to House bill entitled an act to amend and re-enact the 5th section of an act to appropriate the income arising from the proceeds of the land scrip accruing to Virginia under act of Congress of July 2nd, 1862, and the acts amendatory thereof, approved March 19th, 1872, No. 47.

No. 38, House bill entitled an act to authorize the qualified voters of the county of Halifax to vote on the question of the purchase of the toll-bridge at South Boston, in that county, in order to make it a free-bridge, with the disagreement of the House of Delegates to the 2nd, 7th, and 9th amendments of the Senate, was taken up—when

Mr. Fitzpatrick moved that the Senate insist on its 2nd amendment, and on this motion Mr. Nutting demanded the pending question, which was ordered; and being put, was determined in the negative—ayes 10, noes 21.

On motion of Mr. French, the vote was recorded as follows:

Ayes—Messrs. Beazley, Boykin, Fitzpatrick, Herndon, Johnson, Lewis, Perrin, Quesenberry, Taylor of Norfolk city, and Thomas—10.

Noes—Messrs. Cochran, French, Greene, Greever, Grimsley, Hundley, Lackland, Martin, Massey, Meem, Nowlin, Nutting, Patterson, Penn, Pridemore, Rixey, Roller, Rue, Taylor of Loudoun, Ward, and Wynne—21. Therefore,

Resolved, That the Senate recede from said amendment.

On motion of Mr. Nowlin, the Senate receded from its 7th and 9th amendments.

Ordered, That the clerk inform the House of Delegates thereof.

Mr. Fitzpatrick, from the committee on general laws, reported with an amendment,

No. 170. Senate bill to incorporate the American Lithographic Stone Company of Virginia.

He, from the same committee, reported with the recommendation that it do not pass,

No. 162, Senate bill to authorize county surveyors to take acknowledgments of deeds.

And he, from the same committee, reported with an amendment,

No. 68, House bill to incorporate the Mangorike Wharf Company, on the Rappahannock river.

Mr. Boykin, by leave, presented

No. 171, A bill declaring a portion of Smith's creek and Cohoon's creek a lawful fence; which, on his motion, was read the first, and ordered to be read a second time, and referred to the committee on general laws.

Mr. Boykin presented in connection therewith a petition of the citizens of Nansemond county; which, on his motion, was referred to the same committee.

On motion of Mr. Thomas,

Resolved, That the committee for courts of justice enquire into and report whether the road-bed and land condemned for the extension of the Manassas Gap railroad from some point east of Thoroughfare Gap to the city of Alexandria has been forfeited by non-user, either by the Manassas Gap Railroad Company, prior to its consolidation with the Orange and Alexandria Railroad Company under the act passed February 14th, 1867, or since by the consolidated company, or whether the same has reverted to the original proprietors of the land, or whether the title remains in the latter company; and if so, what legislation is necessary so that said road-bed as it now exists may be appropriated to the uses and purposes originally contemplated in the act passed March 19th, 1853.

Mr. Thomas presented a petition from the citizens of Fairfax in reference to the road-bed of the Manassas Gap Railroad; which, on his motion, was referred to the committee for courts of justice.

Mr. Meem, by leave, presented

No. 172, A bill in relation to the condemnation and occupancy of land for railroad purposes; which, on his motion, was read the first, and ordered to be read a second time, and referred to the committee on roads and internal navigation.

On motion of Mr. Herndon,

The report of the committee for courts of justice in relation to the forfeiture of State stock by the Alexandria, Loudoun and Hampshire Railroad Company, was taken up, and, on his further motion, re-committed to the committee.

On motion of Mr. Greene,

Mr. Lathrop was granted leave of absence for two days.

Mr. Rixey, by leave, presented

No. 173, A bill to prevent forced sales of personal property; which, on his motion, was read the first, and ordered to be read a second time, and referred to the committee for courts of justice.

Mr. Taylor of Norfolk city, by leave, presented

No. 174, A bill to incorporate the Masonic Relief Association of the City of Norfolk; which, on his motion, was read the first, and ordered to be read a second time, and referred to the committee on general laws.

Mr. Lackland, by leave, presented

No. 175, A bill to amend and re-enact sections 3 and 15 of the act approved June 27th, 1870, entitled an act to prescribe in what manner and on what conditions a householder or head of a family shall set apart

and hold a homestead and personal property for benefit of himself and family, exempt from sale or debt; which, on his motion, was read the first, and ordered to be read a second time.

Mr. Anderson of Rockbridge, from the committee on public institutions, reported without amendment,

No. 137, Senate bill to amend and re-enact section 63, chapter 85, Code of Virginia, in relation to lunatic asylums.

He, from the same committee, reported (declaring it inexpedient to legislate thereon)

No. 118, Senate bill to amend and re-enact section 15 of an act entitled an act to establish and maintain a uniform system of public free schools, approved July 11th, 1870.

He, from the same committee, presented a report declaring that it is inexpedient to legislate at this time on the subject of the following resolution:

Resolved, That the committee on public institutions enquire into the expediency of providing by law for a per diem compensation to school trustees, to be paid out of the district school fund.

He, from the same committee, presented a report declaring that it is inexpedient to legislate on the subject (the same being already provided for by law) of the following resolution:

Resolved, That the committee on public institutions enquire and report whether any, and if any what, additional legislation is practicable in order to secure more effectually the benefits of free school education to the families of tax-payers or other citizens residing in counties or school districts which are sparsely populated.

And he, from the same committee, presented a report declaring that it is inexpedient to legislate on the subject of the following resolution:

Resolved, That the committee on public institutions enquire into the expediency of so amending the public school law of this State as to require the Second Auditor to pay to the Treasurer of each county the full amount of such county's share of the public school funds by the 31st of August in each year.

On motion of Mr. Massey,

Resolved, That the Auditor of Public Accounts be and he is hereby requested to furnish the Senate a statement of delinquent lands and their location; also what lands are owned or held by the State by virtue of purchase for delinquent taxes, and the location of the same; also at what time a sale of delinquent lands will take place.

Mr. Taylor of Loudoun made an unsuccessful motion to take up

No. 63, Senate bill to provide for a board of equalization.

Mr. Roller made a motion to take up

Joint resolutions appointing commissioners on the part of the State of Virginia to represent the wishes of her people in relation to the completion of the James River and Kanawha Canal before the Congress of the United States.

On motion of Mr. Hundley, the motion to take up the resolutions was laid on the table.

A message was received from the House of Delegates by Mr. Hill, who informed the Senate that that House had passed a bill entitled an act authorizing the payment of twelve months' interest on the literary fund for the benefit of public free schools, No. 107.

On motion of Mr. Taylor of Norfolk city, the Senate proceeded to consider bills on their second reading.

No. 126, Senate bill to repeal chapter 89 of the Code of 1860, so far as it applies to Russell county, was taken up, read the second time, and, on motion of Mr. Taylor of Loudoun, laid on the table.

No. 133, Senate bill to amend and re-enact the first section of an act approved March 22nd, 1871, entitled an act to amend and re-enact the 1st and 4th sections of an act entitled an act to authorize the city of Norfolk to construct water-works for the use of the people of said city, passed January 14th, 1867, was taken up, read the second time, and the question on agreeing to the amendment proposed by the committee on general laws being put, was determined in the negative; the bill was then ordered to be engrossed and read a third time.

No. 108, Senate bill to amend and re-enact section 6, chapter 169, and section 7, chapter 170, Code of 1860, in relation to proceedings and suits against insurance companies, was taken up, read the second time, and the substitute proposed by the committee for courts of justice was agreed to; and the bill, as amended, was ordered to be engrossed and read a third time.

No. 51, Senate bill to amend and re-enact section 24 of the act approved May 11th, 1870, entitled an act to provide for a general election, was taken up, read the second time, and the question on agreeing to the amendment proposed by the committee of privileges and elections being put, was determined in the affirmative.

On motion of Mr. Rue, the bill was laid on the table, on division—ayes 19, noes 3.

No. 116, Senate bill for the assessment of taxes on persons, property, income, licenses, &c., being the unfinished business of yesterday, was taken up.

Mr. Fitzpatrick moved to amend the bill by striking out the whole of 125th section, being section providing for licensing "tippling-houses or dram shops"—pending which,

On motion of Mr. Boykin, the Senate adjourned until to-morrow, twelve o'clock.

THURSDAY, JANUARY 30, 1873.

No. 107, House bill entitled an act authorizing the payment of twelve months' interest on the literary fund for the benefit of public free schools, was taken up, twice read, and referred to the committee on finance.

A communication from the House of Delegates, by their clerk, was read as follows:

In House of Delegates, January 29, 1878.

The House of Delegates have agreed to the amendments of the Senate to House bill entitled an act to incorporate the Society of the Alumni of the University of Virginia, No. 53; and the amendments of the Senate to the substitute of the House to Senate bill entitled an act in relation to the taking of acknowledgments by clerks of county courts, No. 42.

They have dismissed Senate bill entitled an act so to amend and re-enact section 23, chapter 163 of the Code of Virginia (1860), as to provide for the enforcement of fines against delinquent clerks, No. 86; and have passed House bill entitled an act for the preservation of oysters, and to obtain revenue for the privilege of taking them within the waters of the Commonwealth, No. 52; in which bill they respectfully request the concurrence of the Senate.

No. 52, House bill entitled an act for the preservation of oysters, and to obtain revenue for the privilege of taking them within the waters of the Commonwealth, was taken up, read twice, and referred to the committee on finance.

On motion of Mr. Taylor of Norfolk city, the bill was ordered to be printed for the use of the Senate.

Mr. Holladay, from the committee on immigration, reported with a substitute therefor,

No. 57, Senate bill to provide for the establishment of a bureau of immigration.

On motion of Mr. Herndon, the substitute was ordered to be printed.

Mr. Penn, by leave, presented

No. 176, A bill to amend and re-enact section 1 of chapter 15 of the Code, as amended and re-enacted by an act approved November 1st, 1870, in relation to the times of meeting of the General Assembly; which, on his motion, was read the first, and ordered to be read a second time.

Mr. Johnson, by leave, presented

No. 177, A bill to amend and re-enact section 38 of chapter 101 of the Code of 1860, in relation to taking clams in certain waters of this State; which, on his motion, was read the first, and ordered to be read a second time, and referred to the committee on general laws.

Mr. Anderson of Rockbridge made a motion that the Senate proceed to the consideration of bills on their first reading, and the question on agreeing thereto being put, was determined in the affirmative, on division —ayes 22, noes 6.

The following bills were taken up, read the first, and ordered to be read a second time:

No. 146, Senate bill to repeal an act passed February 8th, 1865, to amend and re-enact section 2 of chapter 169 of the Code of 1860, in relation to the county or corporation in which suits may be commenced.

No. 148, Senate bill to establish and maintain a normal school, and to provide otherwise for the training of teachers for the public schools of Virginia.

No. 147, Senate bill giving the consent of this State to the purchase by the United States of two tracts of land in the counties of Henrico and Hanover, to be used for military cemeteries, and exempting the same from State and county taxes.

No. 154, Senate bill to amend and re-enact section 72 of an act entitled an act to provide for a general election, approved May 11th, 1870.

No. 158, Senate bill to amend and re-enact section 3 of an act passed March, 3rd, 1866, providing for adjustment of liabilities arising under contract and wills made between the 1st day of January, 1862, and the 10th day of April, 1865.

No. 159, Senate bill providing how liens upon real estate may be discharged. And

No. 167, Senate bill directing the Board of Public Works to sell the State's interest in the Richmond, Fredericksburg and Potomac Railroad Company.

The following bills were read the third time and passed with their titles:

No. 100, Senate bill to incorporate the town of Rocky Mount, in the county of Franklin.

No. 87, Senate bill to authorize the Board of Supervisors for Wythe county to contract for keeping in repair certain public roads in said county.

No. 17, Senate bill to encourage donations to the University of Virginia and to constitute the State of Virginia the trustee thereof. And

No. 107, Senate bill to amend and re-enact sections 1, 3, 16, and 17 of chapter 130 of Acts of 1866-7, in relation to the charter of the town of Jonesville.

Ordered, That the clerk communicate the passage of said bills to the House of Delegates and request their concurrence therein.

No. 115, Senate bill to repeal the 60th and 61st sections of an act entitled an act imposing taxes for the support of government and free schools, and to pay the interest on the public debt, was taken up and read the third time—when

Mr. Thomas moved to lay the bill on the table, and on this motion

Mr. Roller demanded the pending question, which was ordered; and being put, was determined in the negative.

The question being on the passage of the bill, Mr. Fitzpatrick demanded the pending question, which was ordered; and the question being put, was determined in the affirmative—ayes 19, noes 18.

On motion of Mr. Taylor of Loudoun, the vote was recorded as follows:

Ayes—Messrs. Anderson of Pittsylvania, Cochran, Connally, French, Graham, Greene, Greever, Hundley, Lackland, Massey, Nowlin, Patterson, Penn, Pridemore, Quesenberry, Rixey, Roller, Rue, and Ward—19.

Noes—Messrs. Anderson of Rockbridge, Beazley, Boykin, Fitzpatrick, Grimsley, Herndon, Holladay, Johnson, Kirkpatrick, Lewis, Martin, Meem, Perrin, Taylor of Loudoun, Taylor of Norfolk city, Terry, Thomas, and Wynne—18.

On motion of Mr. Quesenberry, it was

Ordered, That he inform the House of Delegates of the passage of the bill and request their concurrence therein.

Mr. Thomas moved to reconsider the vote ordering the communication of the passage of the bill to the House of Delegates, and on this motion Mr. Penn demanded the pending question, which was ordered; and being put, was determined in the negative—ayes 14, noes 22.

On motion of Mr. Quesenberry, the vote was recorded as follows:

Ayes—Messrs. Beazley, Boykin, Grimsley, Herndon, Kirkpatrick, Lewis, Martin, Meem, Perrin, Taylor of Loudoun, Taylor of Norfolk city, Terry, Thomas, and Wynne—14.

Noes—Messrs. Anderson of Pittsylvania, Cochran, Connally, Fitzpatrick, French, Graham, Greene, Greever, Hundley, Johnson, Lackland, Massey, Nowlin, Patterson, Penn, Pridemore, Quesenberry, Rixey, Roller, Rue, Stevens, and Ward—22.

Mr. Taylor of Norfolk city moved to suspend the call of the calendar with a view to offering a joint resolution; on this motion

Mr. Hundley demanded the pending question, which was ordered; and being put, determined in the affirmative—ayes 20, noes 18.

On motion of Mr. Hundley, the vote was recorded as follows:

Ayes—Messrs. Anderson of Rockbridge, Beazley, Boykin, Connally, Fitzpatrick, Grimsley, Herndon, Holladay, Johnson, Kirkpatrick, Lewis, Martin, Patterson, Perrin, Pridemore, Taylor of Loudoun, Taylor of Norfolk city, Terry, Thomas, and Wynne—20.

Noes—Messrs. Anderson of Pittsylvania, French, Greene, Greever, Hundley, Lackland, Massey, Meem, Nowlin, Penn, Quesenberry, Rixey, Robinson, Roller, Rue, Smith, Stevens, and Ward—18. Thereupon

Mr. Taylor of Norfolk city, offered the following joint resolution, modified at the suggestion of Mr. Kirkpatrick, which lies over under the rules:

Resolved (the House of Delegates concurring), That the Treasurer be directed, and he is hereby instructed, to refund all sums received into the treasury as a tax on charters, paid under the requirements of the 60th and 61st sections of the 385th chapter of the Acts of 1871-72, to the parties of whom the same was received—such payment to be made, provided the act repealing said sections shall become a law.

Mr. Taylor of Loudoun moved to suspend the rules for the purpose of taking up and considering the resolution to-day, and the question being put thereon, was determined in the affirmative, on division—ayes 20, noes 18.

Mr. Nowlin moved to refer the resolution to the committee on finance; and on this motion

Mr. Hundley demanded the pending question, which was ordered; and being put, was determined in the negative—ayes 16, noes 22.

On motion of Mr. Taylor of Loudoun, the vote was recorded as follows:

Ayes—Messrs. French, Graham, Greene, Lackland, Martin, Massey, Meem, Nowlin, Nutting, Rixey, Robinson, Roller, Rue, Smith, Stevens, and Ward—16.

Noes—Messrs. Beazley, Boykin, Cochran, Connally, Fitzpatrick, Greever, Grimsley, Herndon, Holladay, Hundley, Johnson, Kirkpatrick, Lewis, Penn, Perrin, Pridemore, Quesenberry, Taylor of Loudoun, Taylor of Norfolk city, Terry, Thomas, and Wynne—22.

Mr. Anderson of Pittsylvania moved to lay the resolution on the table; and on this motion

Mr. Lackland called the pending question, which was ordered; and being put, was determined in the affirmative—ayes 22, noes 18.

On motion of Mr. Roller, the vote was recorded as follows:

Ayes—Messrs. Anderson of Pittsylvania, French, Graham, Greene, Greever, Hundley, Lackland, Martin, Massey Meem, Nowlin, Nutting, Patterson, Penn, Quesenberry, Rixey, Robinson, Roller, Rue, Smith, Stevens, and Ward—22.

Noes—Messrs. Anderson of Rockbridge, Beazley, Boykin, Cochran, Fitzpatrick, Grimsley, Herndon, Holladay, Johnson, Kirkpatrick, Lewis, Perrin, Pridemore, Taylor of Loudoun, Taylor of Norfolk city, Terry, Thomas, and Wynne—18.

No. 69, Senate bill relating to the public printing and defining the duties of the Superintendent of Public Printing, was taken up, read the third time, and the question on the passage thereof being put, was determined in the affirmative—ayes 25, noes 7.

The vote was recorded as follows:

Ayes—Messrs. Anderson of Pittsylvania, Anderson of Rockbridge, Connally, Graham, Greene, Greever, Grimsley, Herndon, Holladay, Hundley, Johnson, Lewis, Martin, Massey, Meem, Nutting, Penn, Rixey, Roller, Rue, Smith, Stevens, Taylor of Loudoun, Taylor of Norfolk city, and Wynne—25.

Noes—Messrs. Beazley, Lackland, Patterson, Pridemore, Quesenberry, Robinson, and Ward—7.

The title of the bill was then agreed to.

Ordered, That the clerk inform the House of Delegates thereof and request their concurrence therein.

No. 70, Senate bill to repeal chapter 256 of the Acts of 1870-71, entitled an act to amend and re-enact sections 6, 8, 14, and 15, and to repeal sections 7, 16, 17, and 18 of chapter 150 of the Code of Virginia (edition of 1860), concerning warrants for small claims, and to revive, amend, and re-enact sections 6, 7, 8, 14, 15, 16, 17, and 18 of chapter 150 of the Code of Virginia, was taken up, read the third time and passed with its title.

Ordered, That the clerk inform the House of Delegates thereof and request their concurrence therein.

No. 110, Senate bill to amend and re-enact section 8, chapter 186 of the Code of Virginia, as amended and re-enacted by chapter 175 of the Session Acts of 1871-72, in regard to judgment liens, was taken up, read the third time, and, on motion of Mr. Herndon, laid on the table.

No. 111, Senate bill for the payment of the funeral expenses of Wm. S. Rhor, late an officer of the Senate, was taken up, read the third time, and the question on the passage thereof being put, was determined in the affirmative—ayes 26, noes 2.

The vote was recorded as follows:

Ayes—Messrs. Anderson of Pittsylvania, Beazley, Boykin, Cochran, French, Graham, Greene, Greever, Grimsley, Herndon, Holladay, Hundley, Massey, Meem, Patterson, Penn, Perrin, Pridemore, Quesenberry, Rixey, Roller, Smith, Taylor of Loudoun, Terry, Ward, and Wynne—26.

Noes—Messrs. Robinson and Stevens—2.

The title of the bill was then agreed to.

Ordered, That the clerk inform the House of Delegates thereof and request their concurrence therein.

No. 114, Senate bill to authorize the issue of certificates of State debt to the executors of Jaquelin P. Taylor for principal and interest on certain lost coupon bonds, was taken up, read the third time, and the question being on the passage thereof, on motion of Mr. Kirkpatrick, the vote ordering the bill to its engrossment and third reading was reconsidered, and, on his further motion, the bill was amended, and as amended ordered to be engrossed and read a third time.

Mr. Roller, from the committee on federal relations, presented the following resolution, which was agreed to :

Resolved, That the Superintendent of Public Printing be instructed to have printed for the use of the General Assembly the statements made by the commissioners on the part of the States of Virginia and Maryland, respectively, in relation to the boundary line between said States, and the report of the Virginia commissioners to the Governor.

The President laid before the Senate a communication from the Governor enclosing the report of the Board of Visitors of the Virginia Military Institute; which, together with the accompanying documents, was, on motion of Mr. Thomas, referred to the committee on public institutions.

No. 116, Senate bill for the assessment of taxes on persons, property, income, licenses, &c., being the unfinished business of yesterday, was taken up and the pending question, being on the motion to strike out the whole of the 125th section, was put and determined in the negative.

Mr. Boykin moved to amend the 125th section by striking out in the caption the words “tippling-house or dram-shop,” and inserting in lieu thereof the word “bar-room;” and the question on agreeing thereto being put, was determined in the affirmative, on division—ayes 14, noes 10.

As consequential amendments, the words “tippling-house or dram-shop” were ordered to be stricken out wherever they occur in this section, and the word “bar-room” inserted in lieu thereof.

Mr. Greene made a motion to further amend the 125th section by adding to the caption the words “or doggery”—when

Mr. Martin moved to amend this amendment by adding the words “or loafers’ paradise,” which was agreed to; and the question on the amendment as amended being put, was determined in the negative.

On motion of Mr. Wynne, the 130th section was amended by striking out all after the word “performance,” in the 17th line to the end of the sentence, and inserting in lieu thereof the words “a panorama or exhibition

of like kind may, if the person applying for the same desire it, be for a single exhibition, or for the term of one week or less, as the applicant may desire."

On motion of Mr. Thomas, the 146th section was amended by striking out at the end of the section the word "then," and adding the words "the payment required is made, shall said license be valid."

On motion of Mr. Wynne, the 157th section was amended by striking out, in the 14th, 15th, and 16th lines, from the word "twenty-four" to the word "cease," both inclusive, and inserting in lieu thereof the words "a single exhibition, or a week or less time, as the applicant may desire."

Messrs. Penn and Hundley made unsuccessful motions to adjourn; and pending the further consideration of the bill,

On motion of Mr. Greene, the Senate adjourned until to-morrow, twelve o'clock.

FRIDAY, JANUARY 31, 1873.

The President laid before the Senate a communication from the Auditor of Public Accounts in response to a resolution of the Senate calling for information as to the amount of funds now in the treasury, and the amount held subject to the payment of interest due in January and July, 1872, &c.; which, on motion of Mr. Taylor of Loudoun, was laid on the table and ordered to be printed. (Doc. No. 12.)

A communication from the House of Delegates, by their clerk, was read as follows:

In House of Delegates, January 30, 1873.

The House of Delegates have passed Senate bill entitled an act to provide for the assessment and collection of State taxes within the town of Suffolk, Nansemond county, No. 82.

Mr. Fitzpatrick, from the committee on general laws, reported without amendment,

No. 171, Senate bill declaring a portion of Smith's creek and Co-hoon's creek a lawful fence.

He, from the same committee, reported with an amendment,

No. 174, Senate bill to incorporate the Masonic Relief Association of the city of Norfolk.

And he, from the same committee, reported with amendments,

No. 165, Senate bill to provide a new charter for the city of Portsmouth.

Mr. Taylor of Norfolk city, from the committee on roads and internal navigation, reported without amendment,

No. 156, Senate bill to authorize the Roanoke Valley Railroad Company to construct a wagon-way across their bridge at Clarksville.

And he, from the same committee, reported without amendment,

No. 169, Senate bill to incorporate the Franklin Toll-bridge across Staunton river in the counties of Campbell and Halifax.

On motion of Mr. Pridemore,

Resolved, That the first door-keeper of the Senate be instructed to provide more effectual means than now exist to secure and distribute all mail matter coming to the Senate chamber, and to enable him effectually to do so that he have the services of the pages therefor.

On motion of Mr. Lackland,

Resolved, That the committee for courts of justice enquire into the expediency of punishing more rigorously the crime of arson, and especially so as to provide that barn-burning at night shall be a capital offence where the lives of valuable animals and other valuable property are destroyed; also, that said committee consider the propriety of authorizing the Governor or supervisors of counties to offer rewards for the detection and apprehension of persons guilty of arson.

Mr. Holladay, by leave, presented

No. 178, A bill to incorporate the Richmond and Hanover Turnpike Company; which, on his motion, was read the first, and ordered to be read a second time, and referred to the committee on roads and internal navigation.

Mr. Anderson of Pittsylvania, by leave, presented

No. 179, A bill to amend and re-enact section 3 of an act passed January 13th, 1831, entitled an act incorporating the Danville Female Academy; which, on his motion, was read the first, and ordered to be read a second time.

On motion of Mr. Thomas,

Senate joint resolution instructing the Treasurer to issue a duplicate of check No. 2,572 to J. H. Greenlee, was taken up, and the question on agreeing thereto being put, was determined in the affirmative—ayes 25, noes none.

The vote was recorded as follows:

Ayes—Messrs. Anderson of Pittsylvania, Boykin, Connally, Fitzpatrick, French, Graham, Holladay, Hundley, Johnson, Lackland, Martin, Massey, Meem, Nowlin, Nutting, Patterson, Penn, Perrin, Quesenberry, Rixey, Taylor of Loudoun, Taylor of Norfolk city, Terry, Thomas, and Ward—25.

Noes—none.

Ordered, That the clerk inform the House of Delegates thereof and request their concurrence therein.

On motion of Mr. Taylor of Loudoun,

Mr. Beazley was granted leave of absence for four days.

On motion of Mr. Patterson,

No. 101, Senate bill to authorize the Liberty and Rocky Mount Narrow Gauge Railroad Company to extend its road from Rocky Mount to the North Carolina line, was taken up, and ordered to be engrossed and read a third time.

On motion of Mr. Ward,

No. 86, House bill entitled an act to amend the charter of the town of Berryville, as contained in the acts approved the 29th of October, 1870, and the 23rd of March, 1871, was taken up, read the third time and passed with its title.

On motion of Mr. Ward, it was

Ordered, That he inform the House of Delegates thereof.

On motion of Mr. Connally,

No. 6, House bill entitled an act to authorize and empower the Council of the city of Richmond to increase the salaries of the judges of the circuit, chancery, and hustings courts of said city, was taken up, and the amendments proposed by the House of Delegates to the amendments of the Senate were agreed to.

The amended title reads as follows:

"An act to authorize and empower the Councils of the cities of Richmond, Petersburg, and Norfolk to increase the salaries of the judges of said cities."

On motion of Mr. Connally, it was

Ordered, That he inform the House of Delegates thereof.

On motion of Mr. Fitzpatrick, the Senate proceeded to the consideration of House bills on the calendar.

No. 25, House bill entitled an act to declare James River and Kanawha Canal, in the county of Amherst, a lawful fence, was taken up, read the third time, and, on motion of Mr. Fitzpatrick, laid on the table.

No. 98, House joint resolution memorializing Congress to abolish the internal tax on all liquors made from fruit, was taken up, and the question on agreeing to the substitute proposed by the committee on federal relations was put, and determined in the affirmative.

The joint resolution as amended was then read the third time and agreed to.

Ordered, That the clerk inform the House of Delegates thereof and request their concurrence in the amendments.

No. 84, House joint resolutions in relation to the appointment of commissioners to ascertain and define the boundary line between Virginia and West Virginia, was taken up, and, on motion of Mr. Ward, amended by striking out after the word "appoint," in the 2d line of the 2d resolution, the word "two," and inserting in lieu thereof the word "three." Thereupon,

On motion of Mr. Meem, the joint resolutions were laid on the table.

No. 90, House bill entitled an act to amend and re-enact an act to authorize the trustees of Strasburg Academy, in Shenandoah county, to sell a certain lot of land, was taken up, read the third time and passed with its title.

On motion of Mr. Meem, it was

Ordered, That he inform the House of Delegates thereof.

No. 63, House bill entitled an act to amend and re-enact sections 63 and 77 of an act entitled an act to amend and re-enact an act prescribing the duties and compensation of certain township officers, approved July 11th, 1870, and acts amendatory thereof, approved March 17th, 1872, was taken up, read the third time, and, on motion of Mr. Taylor of Loudoun, laid on the table.

No. 80, House bill entitled an act providing for an accurate map of
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the several counties of the Commonwealth, was taken up, read the third time, and, on motion of Mr. Taylor of Loudoun, laid on the table.

No. 87, House bill entitled an act to amend and re-enact the 16th section of the 87th chapter of the Code of Virginia, in relation to inspection of tobacco, was taken up, read the third time and passed with its title.

Ordered, That the clerk inform the House of Delegates thereof.

No. 92, House bill entitled an act to amend section 33 of chapter 162 and section 10 of chapter 208 of the Code of Virginia (edition of 1860), in relation to the pay of jurors, was taken up, and the amendments proposed by the committee for courts of justice were agreed to.

The bill as amended was read the third time, and, on motion of Mr. Ward, laid on the table.

No. 66, House bill entitled an act to amend and re-enact an act entitled an act to amend the 40th section of chapter 101 of the Code of 1860, to prevent the destruction of wild fowl in this State, approved March 13th, 1872, was taken up, read the third time and passed with its title.

Ordered, That the clerk inform the House of Delegates thereof.

No. 76, House bill entitled an act to authorize the Washington City, Alexandria, Lynchburg and North Carolina Railroad Company to issue bonds to provide for the payment of the bonds and debts of the Orange, Alexandria and Manassas Railroad Company, and of the Lynchburg and Danville Railroad Company, and for other purposes, was taken up, and the amendments proposed by the committee on roads and internal navigation were agreed to.

The bill as amended was read the third time and passed.

The title of the bill as amended reads as follows:

"An act to authorize the Washington City, Virginia, Midland and Great Southern Railroad Company to issue bonds to provide for the payment of the bonds and debts of the Orange, Alexandria and Manassas Railroad Company, and of the Lynchburg and Danville Railroad Company, and for other purposes."

Ordered, That the clerk inform the House of Delegates thereof and request their concurrence in the amendments.

No. 77, House bill entitled an act to authorize the Washington City, Alexandria, Lynchburg and North Carolina Railroad Company to extend its railway from Alexandria to a point on the Potomac river opposite or near to or above the cities of Washington or Georgetown, was taken up, and the amendments proposed by the committee on roads and internal navigation were agreed to.

The bill as amended was read the third time and passed.

The title of the bill as amended reads as follows:

"An act to authorize the Washington City, Virginia, Midland and Great Southern Railroad Company to extend its railway from Alexandria to a point on the Potomac river opposite or near to or above the cities of Washington or Georgetown."

Ordered, That the clerk inform the House of Delegates thereof and request their concurrence in the amendments.

No. 78, House bill entitled an act to authorize the Washington City, Alexandria, Lynchburg and North Carolina Railroad Company to acquire and sell lands, was taken up, and the amendments proposed by the committee on roads and internal navigation were agreed to.

The bill as amended was read the third time and passed.

The title of the bill as amended reads as follows:

"An act to authorize the Washington City, Virginia, Midland and Great Southern Railroad Company to acquire and sell lands."

Ordered, That the clerk inform the House of Delegates thereof and request their concurrence in the amendments.

No. 74, House bill entitled an act to amend and re-enact sections 22, 23, 24, 25, 26, and 27 of chapter 85 of the Code of 1860, in relation to the examination of persons suspected of lunacy, was taken up, and the amendment proposed by the committee on public institutions was agreed to.

The bill was then read the third time, and, on motion of Mr. Thomas, laid on the table.

No. 57, House bill entitled an act to amend and re-enact an act entitled an act to prescribe the times for holding the circuit courts of the State, in force 19th March, 1872, was taken up, and the amendment proposed by the committee for courts of justice agreed to.

The bill as amended was read the third time and passed with its title.

Ordered, That the clerk inform the House of Delegates thereof and request their concurrence in the amendment.

No. 68, House bill entitled an act to incorporate the Mangorike Wharf Company, on the Rappahannock river, was taken up, and the amendment proposed by the committee on general laws agreed to.

The bill as amended was read the third time and passed with its title.

Ordered, That the clerk inform the House of Delegates thereof and request their concurrence in the amendment.

On motion of Mr. Taylor of Norfolk city,

No. 133, Senate bill to amend and re-enact first section of an act approved March 25th, 1871, entitled an act to amend and re-enact the 1st and 4th sections of an act entitled an act to authorize the city of Norfolk to construct water-works for the use of the people of said city, passed January 14th, 1867, was taken up, read the third time and passed with its title.

Ordered, That the clerk inform the House of Delegates thereof and request their concurrence therein.

No. 116, Senate bill for the assessment of taxes on persons, property, income, licenses, &c., being the unfinished business of yesterday, was taken up.

On motion of Mr. Thomas, the 96th section was amended by striking out, in the 27th line, the word "or," and inserting in lieu thereof the word "and."

On motion of Mr. French, the 37th section was amended by adding at the end thereof the following proviso:

"Provided, that in all cases in which any tract or parcel of land which lies partly in one county and partly in another, and each frac-

tional part lying in different counties, consists of three hundred acres and more, shall be assessed in the counties in which it is, and shall be subject to all taxation imposed in the said counties."

On motion of Mr. Taylor of Loudoun, the 184th section was amended by striking out the words "its passage," and inserting in lieu thereof the words "and after the passage of a tax bill in conformity herewith."

Mr. Nowlin moved to amend the 157th section by adding at the end thereof the following proviso:

"Provided, that a license may be granted to attorneys at law, physicians, dentists, pedlers, and dauberreian artists commencing business after the 31st day of October, on the payment of one-half of the tax imposed by law on such business or profession.

Mr. Lackland moved to amend the amendment by striking out the words "dauberreian artists;" and the question being put thereon, was determined in the negative.

The question recurring on agreeing to the amendment, and being put, was determined in the negative.

Mr. Taylor of Loudoun made an unsuccessful motion to amend the 138th section by striking out after the word "mares," in the 2nd line, the words "for compensation," and inserting in lieu thereof the words "other than his own."

Mr. Taylor of Loudoun made an unsuccessful motion to amend the 138th section by inserting after the word "compensation," in the 2nd line, the words "in money or other thing."

Mr. Rue made an unsuccessful motion to amend the 157th section by striking out all down to the word "act," inclusive, in 6th line.

Mr. Thomas moved further to amend the bill by inserting as an independent section, after the 125th section, the following:

"§ 126. Every person licensed under the laws of this State to sell wine, ardent spirits, malt liquors, cider, or any mixture of any of them, whether to be drunk where sold or otherwise, shall, on or before the 10th day of the months of August, November, February, and May, return to the assessor or commissioner of the revenue of the county or city in which his license shall have been obtained a report, to be made out in accordance with forms to be prescribed by the Auditor of Public Accounts and furnished by him to the assessor or commissioner of the revenue of such county or city, setting forth the amount or quantity of brandy, whiskey, rum, gin, wine, ardent spirits, malt liquors, cider, or any mixture of any of them, sold by such person during the preceding three months. Such person or his agent shall make oath to the truth of such reports, and of all the statements therein made, in accordance with forms of affidavits to be prescribed by the Auditor of Public Accounts; which oath may be taken before and certified by such assessor or commissioner of the revenue, or any officer authorized under the laws of this State to administer oaths. If any such person shall fail to make and return such reports, or to pay any tax which may be imposed by law for the privilege of selling wine, ardent spirits, malt liquors, or any mixture thereof, within the time prescribed by law for returning such reports and paying such tax, he shall be liable to a penalty of fifty dollars.

"If any person shall make a false return of the quantity of liquors sold by him, he shall be guilty of misdemeanor, and be liable to a fine of one thousand dollars; and shall, in addition thereto, forfeit his license and his whole stock of liquors, to be recovered by the Commonwealth. And it shall be the duty of the Auditor of Public Accounts, and of all collecting officers of this State, to see to it that every offence under this section shall be prosecuted, and the duty of the Commonwealth's attorneys in the several counties to institute and conduct prosecutions under this section whenever requested so to do by the assessor or commissioner of the revenue of his county or city, or the Auditor of Public Accounts.

"It shall be the duty of the Auditor of Public Accounts to have prepared and furnished to the assessor and commissioner of revenue of each city and county in the State printed forms for the returns and affidavits hereinbefore provided for, and to prescribe such regulations, employ and compensate such agents and agencies as may be necessary to effectuate the purposes of this section, and to ensure the prompt and honest return of all liquors sold, and the collection of all taxes which may be imposed by law for the privilege of selling the same."

The question being on agreeing to the amendment,

Mr. Herndon moved to lay the bill on the table; and the question being put thereon, was determined in the negative, on division—ayes 9, noes 15.

The question recurring on agreeing to the amendment, and being put, was determined in the affirmative—ayes 14, noes 8.

On motion of Mr. Robinson, the vote was recorded as follows:

Ayes—Messrs. Fitzpatrick, French, Herndon, Hundley, Johnson, Lackland, Meem, Penn, Pridemore, Quesenberry, Smith, Taylor of Loudoun, Thomas, and Ward—14.

Noes—Messrs. Boykin, Holladay, Martin, Patterson, Rixey, Robinson, Rue, and Terry—8.

The bill as amended was ordered to be engrossed and read a third time.

On motion of Mr. Ward, the Senate adjourned until to-morrow, twelve o'clock.

SATURDAY, FEBRUARY 1, 1873.

Mr. Thomas, President pro tempore, in the chair.

A communication from the House of Delegates, by their clerk, was read as follows:

In House of Delegates, January 31, 1873.

The House of Delegates have agreed to the amendments of the Senate to House bill entitled an act for the relief of Samuel R. Allabaugh, late sheriff of Rockingham county, No. 49.

No. 116, Senate bill for the assessment of taxes on persons, property, income, licenses, &c., was, on motion of Mr. Herndon, taken up, read the third time and passed with its title.

On motion of Mr. Thomas, it was

Ordered, That he communicate the passage of the bill to the House of Delegates and request their concurrence therin.

Mr. Greene, by leave, presented

No. 180, A bill for the relief of the heir-at-law of Bennett Aldridge, deceased; which, on his motion, was read the first, and ordered to be read a second time, and referred to the committee for courts of justice.

Mr. Roller, by leave, presented

No. 181, A bill to amend and re-enact the 1st section of chapter 120 of the Code of Virginia (edition of 1860), as amended and re-enacted by the act approved January 14th, 1873, in relation to notaries public; which, on his motion, was read the first, and ordered to be read a second time.

No. 21, Senate bill to secure and provide for paying the railroad debts of counties, townships, cities, and towns in Virginia, was taken up, on motion of Mr. Penn, and, on his further motion, was laid on the table and made the order of the day for Wednesday, the 5th inst., at one o'clock.

Mr. Ward, by leave, presented

No. 182, A bill to prevent the destruction of partridges in the counties of the State until after the first day of October, 1874, and for other purposes; which, on his motion, was read the first, and ordered to be read a second time, and referred to the committee on general laws.

On motion of Mr. Massey, the Senate adjourned until Monday, twelve o'clock.

MONDAY, FEBRUARY 3, 1873.

A communication from the House of Delegates, by their clerk, was read as follows:

In House of Delegates, February 1, 1873.

The House of Delegates have passed Senate bills entitled an act to amend and re-enact section 5 of chapter 176 of the Code of 1860, in relation to copies of records and papers in public offices as evidence, No. 79; an act to amend the first section of an act entitled an act to amend an act to incorporate the Valley Railroad Company, passed March 1st, 1867, No. 68; and an act to amend and re-enact sections 1st and 3rd of an act entitled an act declaring certain streams in Charlotte county to be highways, approved March 25th, 1872, No. 94; and they have passed Senate bill entitled an act to amend and re-enact the 5th section of chapter 1st of an act entitled an act providing a charter for the city of Staunton, in force March 22d, 1872, No. 4, with amendments; in which they respectfully request the concurrence of the Senate.

No. 4, Senate bill entitled an act to amend and re-enact the 5th section of chapter 1st of an act entitled an act providing a charter for the city of Staunton, in force March 22d, 1872, with amendments proposed

by the House of Delegates, was taken up, and the question being on agreeing to the amendments proposed by the House of Delegates, on motion of Mr. Cochran, the bill was indefinitely postponed.

Mr. Fitzpatrick, from the committee on general laws, reported without amendment,

No. 131, Senate bill to establish a bureau of insurance.

He, from the same committee, reported with an amendment,

No. 164, Senate bill to authorize counties, cities, towns, and townships to endorse the bonds of the Washington, Cincinnati and St. Louis Railroad Company.

And he, from the same committee, presented a report declaring that it is inexpedient to grant the prayer contained in the petition of Henry Aunspaugh and other citizens of the town of Fincastle, asking for an amendment to the charter of said town.

Mr. Wynne presented the report of the joint committee on the library; which, on his motion, was laid on the table and five hundred copies ordered to be printed for the use of both houses. (Doc. No. 13.)

Mr. Taylor of Loudoun, by leave, presented

No. 183, A bill to protect butter and cheese manufacturers; which, on his motion, was read the first, and ordered to be read a second time, and referred to the committee on general laws.

Mr. Nowlin offered the following resolution:

Resolved, That the House of Delegates be and they are hereby requested to return to the Senate Senate bill No. 116, entitled a bill for the assessment of taxes on persons, property, income, licenses, &c., which was communicated to them on Saturday last.

The question on agreeing to the resolution was put and determined in the negative—ayes 11, noes 15.

On motion of Mr. Nowlin, the vote was recorded as follows:

Ayes—Messrs. Greever, Martin, Norton, Nowlin, Nutting, Pridemore, Robinson, Roller, Smith, Stevens, and Ward—11.

Noes—Messrs. Anderson of Rockbridge, Cochran, Connally, Fitzpatrick, Holladay, Johnson, Kirkpatrick, Lewis, Massey, Patterson, Penn, Perrin, Taylor of Loudoun, Terry, and Wynne—15.

Mr. Greever, by leave, presented

No. 184, A bill to amend and re-enact chapter 253, Acts of Assembly, 1871-72, entitled an act to repeal section 1, and to amend and re-enact section 2 of chapter 174 of Code of Virginia, in relation to the removal of causes, and to revive sections 1 and 2 of chapter 174 of the Code of Virginia (edition of 1860); which, on his motion, was read the first, and ordered to be read a second time, and referred to the committee for courts of justice.

Mr. Cochran, by leave, presented

No. 185, A bill authorizing the Governor to appoint a State assayer and chemist; which, on his motion, was read the first, and ordered to be read a second time.

Mr. Ward offered the following joint resolutions, which lie over under the rules :

Whereas, by act of Congress approved August 5th, 1861, the sum of twenty millions of dollars was annually levied upon the United States and apportioned among the several States, in order to provide to the general government the means of carrying on the war for the suppression of the rebellion, which said act was supplemented by the act of Congress approved June 7th, 1862, providing for the collection of the said taxes in insurrectionary districts; and whereas a small proportion of said taxes was collected in the State of Virginia long after the conclusion of the war, to-wit: from December, 1865, to May, 1867, leaving, however, a very large proportion of the same uncollected; and whereas the burden of said taxes within the State of Virginia has thus fallen heavily upon those of our impoverished people who were thus compelled to pay them upon the heel of the war and its distresses; and whereas the necessity and reason for the said taxes ceased with their occasion, to-wit: the conclusion of the war in 1865:

Resolved by the General Assembly of Virginia, That the Congress of the United States be and it is hereby requested to provide for the refunding to the citizens of Virginia, the direct taxes paid by them under the acts aforesaid.

Resolved, That the Governor of Virginia be and he is hereby requested to transmit certified copies of these resolutions to the President of the Senate and to the Speaker of the House of Representatives.

Resolved, That the Senators and Representatives from Virginia in the Congress of the United States be furnished with copies of these resolutions, and that they be and they are hereby requested to urge in the respective houses of Congress the passage of a bill for the refunding of the taxes aforesaid.

On motion of Mr. Ward, the rules were suspended in order to consider the resolutions to-day; and the question being on agreeing thereto, on motion of Mr. Smith, the resolutions were referred to the committee on federal relations, on division—ayes 16, noes 8.

The President laid before the Senate a telegraphic dispatch to the Governor announcing the death of Commodore Matthew F. Maury. Whereupon

Mr. Anderson of Rockbridge presented the following preamble and joint resolutions, which were agreed to:

The intelligence of the death of Commodore Matthew F. Maury has been received by the General Assembly with heartfelt sorrow and profound regret.

The learning and labors and genius which through a busy life-time he consecrated to the highest uses of his country and mankind, and his self-sacrificing devotion to the State, render it proper that Virginia should recognize at the grave the virtues of her illustrious son.

In the general grief which pervades thousands of hearts in both hemispheres, we but give expression to the sentiment of all who knew him when we point to his noble, earnest and unselfish life, as a beautiful illustration of what the most ardent votary of science, animated by lofty Christian principle, may accomplish for humanity. But while Virginia admires the virtues and genius of her lamented son, there is no need

that she should show them to the world. The world knows him already. His fame, like his usefulness, has been limited only by the confines of commerce and of civilization; and history will perpetuate the recollection of his character and his achievements.

Virginia mourns his loss, and with his official associates and the loved ones of his household, grieves over the sad event which has ended his labors on earth; and rejoices in the assurance that he has been borne from scenes of suffering here to the blessedness and peace of a happier and brighter world.

Resolved (the House of Delegates concurring), That the foregoing paper be adopted by the General Assembly, and spread upon the journals of the Senate and House of Delegates, and be communicated to the family of Commodore Maury and to the faculty of the Virginia Military Institute.

On motion of Mr. Anderson of Rockbridge, it was

Ordered, That he communicate the adoption of the joint resolutions to the House of Delegates and request their concurrence therein.

Thereupon,

On motion of Mr. Wynne, the Senate adjourned until to-morrow, twelve o'clock.

FRIDAY, FEBRUARY 4, 1873.

A communication from the House of Delegates, by their clerk, was read as follows:

In House of Delegates, February 3, 1873.

The House of Delegates have passed Senate bill entitled an act to amend and re-enact section 12, chapter 63 of the Code of Virginia (1860), so as the more effectually to require millers to grind for toll all grain brought to their mills for the consumption of the person bringing or sending it, or his family, No. 95; and have agreed to Senate joint resolution in relation to the death of Commodore Matthew F. Maury.

They have passed House bill entitled an act to authorize the trustees to sell Rappahannock Academy, in Caroline county, No. 89; in which they respectfully request the concurrence of the Senate.

No. 89, House bill entitled an act to authorize the trustees to sell Rappahannock Academy, in Caroline county, was taken up, twice read, and, on motion of Quesenberry, the rules requiring the commitment of the same being suspended, was read the third time and passed with its title.

Ordered, That the clerk inform the House of Delegates thereof.

The President laid before the Senate a communication from the Auditor of Public Accounts in response to a resolution of the Senate calling for information as to lands returned delinquent for non-payment of taxes—when

Mr. Quesenberry offered the following resolution, which was agreed to:

"Resolved, That the communication from the Auditor of Public Accounts be referred to a special committee of five, and that said committee be instructed to consider and report to the Senate, by bill or otherwise, what steps should be taken by the General Assembly to protect the revenue and interests of the Commonwealth in the matter of delinquent lands."

The President announced the committee as follows: Messrs. Quesenberry, Penn, Pridemore, Massey, and Rixey.

Mr. Herndon, from the committee for courts of justice, presented

No. 186, A bill to amend and re-enact section 2 of chapter 80 of the Code of 1860, in relation to funds from gifts, grants, devises, and bequests.

He, from the same committee, reported with the recommendation that it do not pass,

No. 143, Senate bill providing for the repeal of all laws which allow the punishment of citizens of this Commonwealth by stripes.

He, from the same committee, reported without amendment,

No. 138, Senate bill to amend and re-enact section 1, chapter 125, Code of Virginia (1860), as to maintenance of illegitimate children.

And he, from the same committee, presented a report declaring that it is unnecessary to legislate on the subject of the following resolution, as colored men are not excluded by law from service on juries:

Resolved, That the committee for courts of justice be instructed to enquire and report what legislation, if any, is necessary to prevent the exclusion of colored men from service as jurors in the courts of this Commonwealth.

Mr. Roller, from the committee on federal relations, reported without amendment,

Senate joint resolutions providing that the Congress of the United States be requested to make provision for refunding to the citizens of Virginia the direct taxes paid by them under acts of Congress passed in the years 1861 and 1862; which was taken up, on motion of Mr. Ward, and the question on agreeing thereto being put, was determined in the affirmative.

On motion of Mr. Ward, it was

Ordered, That he inform the House of Delegates thereof and request their concurrence therein.

Mr. Holladay, by leave, presented

No. 187, A bill for the relief of Walter T. Hanes, A. C. Green, and others; which, on his motion, was read the first, and ordered to be read a second time, and referred to the committee on finance.

On motion of Mr. Anderson of Rockbridge, the report of the sub-committee on county, city, and town organizations and education to the joint committee on constitutional amendments, was ordered to be printed.

On motion of Mr. Johnson,

Resolved, That the Auditor of Public Accounts be requested to re-

port to the Senate the names of such clerks of courts of the various cities, towns, and counties of the State as have, since April, 1865, made default in payment to the Commonwealth of the amounts required by law to be received and accounted for by them, the amount of the deficit in each case, and what steps have been taken to enforce the payment thereof.

Mr. Rixey presented the petition of citizens of Fauquier county, asking change of law in regard to appointment of school commissioners, &c.; which, on his motion, was referred to the committee on public institutions.

No. 23, Senate bill directing the sale of real estate purchased by the Commonwealth for taxes previous to the 17th day of April, 1861, was taken up, on motion of Mr. Grimsley, and referred to the special committee on delinquent lands.

On motion of Mr. Penn,

Resolved, That the committee to whom was referred the subject of delinquent lands of the Commonwealth be instructed also to enquire into the expediency of enacting a law for the forfeiture of all lands in the Commonwealth which are not in the land-books of the respective counties, cities, and towns in which they lie.

No. 2, Senate bill to amend and re-enact an act entitled an act providing for the re-assessment of lands in the Commonwealth, passed February 1st, 1872, so as to enable those counties in the State which failed to avail themselves of the provisions of said act to do so, was taken up, on motion of Mr. Taylor of Loudoun; and the question being on agreeing to the 1st amendment proposed by the committee on finance, was put, and determined in the negative.

The 2nd, 3rd, 4th, 5th, and 6th amendments were then agreed to.

Mr. Hundley moved further to amend the bill by striking out all after the word "Commonwealth," in the 3rd line of the 1st section, and inserting in lieu thereof the following: "be and the same is hereby repealed, and that all assessments of lands and tenements which have been made under and by virtue of the provisions of said act be and they are hereby made null and void."

Mr. Fitzpatrick moved to amend the amendment by adding at the end thereof the following: "and that in all future assessments made of lands and tenements for the imposition of taxes, they shall be made on the basis and at the valuations established by the assessment made in the year 1856"—pending which,

On motion of Mr. Taylor of Norfolk city, the Senate adjourned until to-morrow, twelve o'clock.

WEDNESDAY, FEBRUARY 5, 1873.

Mr. Thomas, President pro tempore, in the chair.

Prayer by Rev. Dr. Read.

A communication from the House of Delegates, by their clerk, was read as follows:

In House of Delegates, February 4, 1873.

The House of Delegates have agreed to the amendments of the Senate to House bills entitled an act to incorporate the Mangorike Wharf Company, on the Rappahannock river, No. 68; an act to authorize the Washington City, Alexandria, Lynchburg and North Carolina Railroad Company to issue bonds to provide for the payment of the bonds and debts of the Orange, Alexandria and Manssas Railroad Company, and of the Lynchburg and Danville Railroad Company, and for other purposes, No. 76; an act to authorize the Washington City, Alexandria, Lynchburg and North Carolina Railroad Company to extend its railway from Alexandria to a point on the Potomac river opposite or near to or above the cities of Washington or Georgetown, No. 77; an act to authorize the Washington City, Alexandria, Lynchburg and North Carolina Railroad Company to acquire and sell lands, No. 78; and they have passed without amendment Senate bills entitled an act for the payment of the funeral expenses of Wm. S. Rohr, late an officer of the Senate, No. 111; an act to authorize the Board of Supervisors for Wythe county to contract for keeping in repair certain public roads in said county, No. 87; an act to preserve all rights and remedies imperiled or destroyed by the loss or destruction (during the late war) of papers filed in the various public offices of the Commonwealth, No. 84; an act to incorporate the town of Rocky Mount, in the county of Franklin, No. 100; and an act to amend and re-enact sections 1, 3, 16, and 17 of chapter 130 of Acts of 1866-67, in relation to the charter of the town of Jonesville, No. 107.

They have agreed to Senate joint resolution instructing the Treasurer to issue a duplicate of check No. 2,572 to J. H. Greenlee; and have passed with amendments Senate bill entitled an act to empower the circuit court of Wise county to direct the sale of certain lands belonging to the State of Virginia situated in said county of Wise, and providing for the conveyance of the same to the purchasers thereof, and for other purposes, No. 130; in which amendments they respectfully request the concurrence of the Senate.

No. 130, Senate bill entitled an act to empower the circuit court of Wise county to direct the sale of certain lands belonging to the State of Virginia, situated in the said county of Wise, and providing for the conveyance of the same to the purchasers thereof, and for other purposes, with the amendments thereto proposed by the House of Delegates, was taken up, and the amendments were agreed to.

Mr. Fitzpatrick, from the committee on general laws, reported with amendments,

No. 177, Senate bill to amend and re-enact section 38 of chapter 101 of the Code of 1860, in relation to taking clams in certain waters of this State.

And he, from the same committee, reported without amendment,

No. 183, Senate bill to protect butter and cheese manufacturers.

Mr. Cochran, from the committee on finance, reported with a substitute therefor.

No. 187, Senate bill for the relief of Walter T. Hanes, A. C. Green, and others.

He, from the same committee, reported without amendment.

No. 98, Senate bill to amend and re-enact chapter 122 of the Acts of 1871-72, in relation to the relief of the sureties of Wm. Sample, late sheriff of Russell county.

And he, from the same committee, reported without amendment,

No. 166, Senate bill for the relief of Sarah F. Gayle of the city of Norfolk.

Mr. Anderson of Rockbridge, from the committee on public institutions, reported without amendment,

No. 163, Senate bill to authorize the Governor to hire out convicts in the penitentiary to the Washington, Cincinnati and St. Louis Railroad Company upon certain conditions.

Mr. Anderson of Pittsylvania, by leave, presented

No. 188, A bill to amend and re-enact section 7 of an act in force March 26th, 1872, entitled an act to incorporate the Old Dominion Construction Company; which, on his motion, was read the first, and ordered to be read a second time.

On motion of Mr. Taylor of Loudoun,

Resolved, That the committee for courts of justice enquire into the expediency of amending the laws in relation to trespass, so as more effectually to prevent the destruction of property, and also to secure the protection of the wild game of this Commonwealth.

Mr. Anderson of Rockbridge, by leave, presented

No. 189, A bill to provide for the valuation of life insurance policies; which, on his motion, was read the first, and ordered to be read a second time, and referred to the committee on general laws.

Mr. Graham, by leave, presented

No. 190, A bill to provide for the sale of the penitentiary buildings and lands by the State Board of Public Works; which, on his motion, was read the first, and ordered to be read a second time, and referred to the committee on public institutions.

Mr. Graham, by leave, presented

No. 191, A bill providing for the purchase of a site and buildings for the penitentiary; which, on his motion, was read the first, and ordered to be read a second time, and referred to the committee on public institutions.

No. 92, House bill entitled an act to amend section 33 of chapter 162 and section 10 of chapter 208 of the Code of Virginia (edition of 1860), in relation to the pay of jurors, was taken up, on motion of Mr. Lackland, and passed with its title.

Ordered, That the clerk inform the House of Delegates thereof and request their concurrence in the amendments.

No. 174, Senate bill to incorporate the Masonic Relief Association of the City of Norfolk, was taken up, on motion of Mr. Taylor of Norfolk city, and, on his further motion, was recommitted to the committee on general laws.

On motion of Mr. Quesenberry, the Senate proceeded to the consideration of joint resolutions and Senate bills on their second reading.

Senate joint resolution in relation to the removal of the penitentiary, was taken up and agreed to.

Ordered, That the clerk inform the House of Delegates thereof and request their concurrence therein.

Senate joint resolutions instructing the Senators and requesting the Representatives of Virginia in the Congress of the United States to secure the abolition or material modification of the internal revenue taxes and the system of their collection, were taken up, and, on motion of Mr. Roller, laid on the table.

No. 185, Senate bill for the relief of Isaac N. Bussles, was taken up, read the second, and ordered to be engrossed and read a third time.

No. 142, Senate bill to enable the vestrymen of Lyttleton Parish, in the county of Cumberland, to sell certain church property and reinvest the proceeds, was taken up, read the second, and ordered to be engrossed and read a third time.

No. 144, Senate bill for the relief of the sureties of Wm. M. Hume, deceased, late sheriff of Fauquier county, was taken up, read the second, and ordered to be engrossed and read a third time.

No. 145, Senate bill for the relief of Perry Jefferson, administrator of John M. Seeley, deceased, was taken up, read the second time, and, on motion of Mr. Holladay, recommitted to the committee on finance.

No. 121, Senate bill to amend and re-enact section 5 of chapter 125 of the Code of 1860, in relation to the maintenance of illegitimate children, was taken up, read the second, and ordered to be engrossed and read a third time.

A message was received from the House of Delegates by Mr. Wall, who informed the Senate that that House had agreed to a joint resolution authorizing the Board of Public Works to call upon the presidents of railroads in this State for statistical information, No. 170.

No. 153, Senate bill to amend and re-enact an act entitled an act in relation to the interest on money, approved March 15th, 1870, so as to provide that six per cent. shall be the legal rate of interest, was taken up, read the second time, and, on motion of Mr. Penn, laid on the table.

No. 112, Senate bill requiring the treasurer of the Joint Ferry Committee of Norfolk county and city of Portsmouth to report, was taken up, read the second time, and the question being on agreeing to the substitute proposed by the committee on general laws, on motion of Mr. Taylor of Loudoun, the bill was laid on the table.

No. 139, Senate bill to amend and re-enact the 5th section of an act passed March 20th, 1872, in relation to fences and the protection of crops, was taken up, read the second, and ordered to be engrossed and read a third time.

No. 119, Senate bill to amend and re-enact the 1st and 2nd sections of the act entitled an act to incorporate the Virginia and Northwestern Railroad Company, was taken up, read the second, and ordered to be engrossed and read a third time.

No. 157, Senate bill to amend and re-enact the 3rd section of the act passed July 9th, 1870, incorporating the Fairfax County Narrow Gauge Elevated Railroad Company, was taken up, read the second, and ordered to be engrossed and read a third time.

No. 132, Senate bill to authorize the Township Board of Tanner's Creek township to contract annually for keeping in repair the public roads in district No. 1, in said township, was taken up, read the second time, and, on motion of Mr. Rue, amended; and as amended was ordered to be engrossed and read a third time.

No. 149, Senate bill to amend the first section of an act entitled an act to amend and re-enact an act to authorize the circuit courts of the Commonwealth to grant charters of incorporation, and to repeal sections 4, 5, 6, 7, 8, 9, and 10 of chapter 65, and section 54 of chapter 57 of the Code of Virginia (edition of 1860), approved March 20th, 1871, in force March 21st, 1872, authorizing judges in vacation to amend charters of incorporation, was taken up, and the amendment proposed by the committee for courts of justice was agreed to.

Mr. Pridemore moved further to amend the bill by inserting after the word "business," in the 3rd line of the 1st amended section, the words "or to clean out, remove obstructions, improve and render more susceptible of navigation for flat-bottomed boats and timber-rafts any river or creek in this State;" and the question on agreeing thereto being put, was determined in the negative—ayes 12, noes 17.

On motion of Mr. Pridemore, the vote was recorded as follows:

Ayes—Messrs. Anderson of Rockbridge, Beazley, Connally, Greever, Massey, Nutting, Penn, Pridemore, Quesenberry, Rixey, Rue, and Taylor of Loudoun—12.

Noes—Messrs. Anderson of Pittsylvania, Boykin, Cochran, Fitzpatrick, Herndon, Hundley, Johnson, Kirkpatrick, Lackland, Lewis, Martin, Mcem, Patterson, Perrin, Robinson, Roller, and Thomas—17.

Mr. Anderson of Rockbridge moved to amend the bill by striking out in the 5th line of the 1st amended section the words "railroad or," and inserting after the word "turnpike," in same line, the words "to be constructed beyond the limits of the county or railroad."

The question on agreeing to the amendment being put, was determined in the affirmative; and the bill as amended was ordered to be engrossed and read a third time.

On motion of Mr. Hundley,

Mr. Wynne was granted leave of absence for two days.

No. 2, Senate bill to amend and re-enact an act entitled an act providing for the re-assessment of lands in the Commonwealth, passed Feb-

ruary 1st, 1872, so as to enable those counties in the State which failed to avail themselves of the provisions of said act to do so, being the unfinished business of yesterday, was taken up, on motion of Mr. Quesenberry; and the pending question being on agreeing to the amendment of Mr. Fitzpatrick to the amendment proposed by Mr. Hundley, was put and determined in the negative.

The question recurring on the amendment offered by Mr. Hundley, Mr. Anderson of Rockbridge offered as a substitute for the same Senate bill No. 63, to provide for a board of equalization; and the question upon the adoption of the substitute being put, was determined in the negative—ayes 12, noes 16.

On motion of Mr. Fitzpatrick, the vote was recorded as follows:

Ayes—Messrs. Anderson of Rockbridge, Boykin, Connally, Grimsley, Herndon, Hundley, Johnson, Lewis, Meem, Rixey, Taylor of Loudoun, and Thomas—12.

Noes—Messrs. Anderson of Pittsylvania, Beazley, Cochran, Fitzpatrick, Grever, Lackland, Martin, Norton, Patterson, Penn, Perrin, Pridemore, Quesenberry, Robinson, Rue, and Smith—16.

The question recurring on the amendment of Mr. Hundley,

Mr. Cochran demanded the pending question, which was ordered; and being put, was determined in the negative—ayes 8, noes 21.

On motion of Mr. Fitzpatrick, the vote was recorded as follows:

Ayes—Messrs. Anderson of Pittsylvania, Anderson of Rockbridge, Boykin, Connally, Hundley, Johnson, Lewis, and Meem—8.

Noes—Messrs. Beazley, Cochran, Fitzpatrick, Grever, Grimsley, Herndon, Holladay, Lackland, Martin, Norton, Patterson, Penn, Perrin, Pridemore, Quesenberry, Rixey, Robinson, Rue, Smith, Taylor of Loudoun, and Thomas—21. Subsequently,

On motion of Mr. Connally, it was ordered to be entered on the journal that he had voted under a misapprehension as to the effect of the amendment, and that with a proper understanding of the same he would have voted in the negative.

Mr. Hundley offered the following amendment, modified at the suggestion of Mr. Boykin: Strike out all after the word "that," in the 1st line of the 1st amended section, down to the word "to," in the 8th line of the same section, and insert in lieu thereof the words "it shall be the duty of the judges of all the counties and corporations in this State, at the May term of their respective courts in the year 1873."

The question being on agreeing to the amendment,

Mr. Taylor of Loudoun demanded the pending question, which was ordered; and being put, was determined in the negative—ayes 10, noes 19.

On motion of Mr. Hundley, the vote was recorded as follows:

Ayes—Messrs. Anderson of Rockbridge, Boykin, Herndon, Holladay, Hundley, Johnson, Lewis, Meem, Norton, and Robinson—10.

Noes—Messrs. Anderson of Pittsylvania, Beazley, Cochran, Connally, Fitzpatrick, Grever, Grimsley, Lackland, Martin, Patterson, Penn, Perrin, Pridemore, Quesenberry, Rixey, Rue, Smith, Taylor of Loudoun, and Thomas—19.

The question being on the engrossment of the bill as amended,

Mr. Cochran demanded the pending question, which was ordered.

Thereupon

Mr. Hundley moved that the Senate adjourn; and the question thereon being put, was determined in the negative—ayes 11, noes 17.

On motion of Mr. Taylor of Loudoun, the vote was recorded as follows:

Ayes—Messrs. Anderson of Pittsylvania, Connally, Hundley, Johnson, Kirkpatrick, Lackland, Lewis, Martin, Meem, Perrin, and Rixey —11.

Noes—Messrs. Anderson of Rockbridge, Beazley, Cochran, Greever, Grimsley, Herndon, Holladay, Norton, Patterson, Penn, Pridemore, Quesenberry, Robinson, Rue, Smith, Taylor of Loudoun, and Thomas—17.

The question recurring on the engrossment of the bill, and being put, was determined in the affirmative—ayes 19, noes 10.

On motion of Mr. Cochran, the vote was recorded as follows:

Ayes—Messrs. Cochran, Fitzpatrick, Greever, Grimsley, Holladay, Lackland, Martin, Meem, Norton, Patterson, Penn, Pridemore, Quesenberry, Rixey, Robinson, Rue, Smith, Taylor of Loudoun, and Thomas —19.

Noes—Messrs. Anderson of Pittsylvania, Anderson of Rockbridge, Beazley, Boykin, Connally, Herndon, Hundley, Johnson, Lewis, and Perrin—10.

Mr. Holladay, by leave, presented the petition of A. J. Broadnax and others, stockholders of the Petersburg Railroad Company, concerning the pending application of said company for an extension of its charter, &c; which, on his motion, was referred to the committee on roads and internal navigation.

On motion of Mr. Fitzpatrick, the Senate adjourned until to-morrow, twelve o'clock.

THURSDAY, FEBRUARY 6, 1873.

No. 170, House joint resolution authorizing the Board of Public Works to call upon the presidents of railroads in this State for statistical information, was taken up, twice read, and referred to the committee on roads and internal navigation.

Mr. Quesenberry, by leave, presented

No. 192, A bill for the relief of Henry Gresham, of Essex county, Virginia; which, on his motion, was read the first, and ordered to be read a second time, and referred to the committee on finance.

No. 142, Senate bill to enable the vestrymen of Lyttleton Parish, in the county of Cumberland, to sell certain church property and reinvest the proceeds, was taken up, on motion of Mr. Hundley, read the third time and passed with its title.

Ordered, That the clerk inform the House of Delegates thereof and request their concurrence therein.

Mr. Greene, by leave, presented the following bill; which, on his motion, was read the first, and ordered to be read a second time, and referred to the committee on public institutions:

No. 193, A bill to authorize the Common Council of Petersburg to issue bonds of the city to the amount of forty thousand dollars for public school purposes.

Mr. Cochran moved to take up

No. 2, Senate bill to amend and re-enact an act entitled an act providing for the re-assessment of lands in the Commonwealth, passed February 1st, 1872, so as to enable those counties in the State which failed to avail themselves of the provisions of said act to do so; and the question being put thereon, was determined in the affirmative—ayes 17, noes 11.

On motion of Mr. Roller, the vote was recorded as follows:

Ayes—Messrs. Cochran, Fitzpatrick, Greever, Grimsley, Lackland, Martin, Massey, Meem, Norton, Nowlin, Pridemore, Quesenberry, Rixey, Robinson, Rue, Taylor of Loudoun, and Thomas—17.

Noes—Messrs. Anderson of Pittsylvania, Anderson of Rockbridge, Beazley, Connally, Greene, Herndon, Hundley, Johnson, Penn, Roller, and Terry—11.

The bill was then read the third time, and the question being on the passage thereof,

Mr. Quesenberry demanded the pending question, which was ordered; and being put, was determined in the affirmative—ayes 21, noes 12.

On motion of Mr. Anderson of Rockbridge, the vote was recorded as follows:

Ayes—Messrs. Cochran, Fitzpatrick, Greever, Grimsley, Lackland, Martin, Massey, Meem, Norton, Nowlin, Nutting Penn, Pridemore, Quesenberry, Rixey, Robinson, Rue, Smith, Stevens, Taylor of Loudoun, and Thomas—21.

Noes—Messrs. Anderson of Pittsylvania, Anderson of Rockbridge, Beazley, Boykin, Connally, Greene, Herndon, Hundley, Johnson, Lewis, Taylor of Norfolk city, and Terry—12.

The title of the bill was then agreed to.

On motion of Mr. Cochran, it was

Ordered, That he inform the House of Delegates thereof and request their concurrence therein.

Mr. Connally offered the following resolution :

Resolved, That the Auditor be and he is hereby instructed to order its sheriffs and other collecting officers of the State to receive all tax coupons in payment of taxes, debts, and demands due the State when tendered in accordance with the decision of the Court of Appeals.

Mr. Connally, in advocating the adoption of the resolution, proceeded to review the course of the Senator from Augusta on the "Funding Bill" whilst a member of the House of Delegates, which the chair decided to be irrelevant to the question before the Senate, and therefore out of order.

From this decision Mr. Connally appealed; and the question being

put, "Shall the decision of the chair stand as the judgment of the House?" was determined in the affirmative, on division—ayes 22, noes 6. Thereupon,

On motion of Mr. Penn, the resolution was laid on the table.

A message was received from the House of Delegates by Mr. Jones of Gloucester, who informed the Senate that that House had passed a bill entitled an act to authorize James Duncan and others to erect a pier-head in Ware river, in the county of Gloucester, No. 192.

Mr. Taylor of Norfolk city, by leave, presented

No. 194, A bill to incorporate Lockwood Union; which, on his motion, was read the first, and ordered to be read a second time, and referred to the committee on general laws.

Mr. Roller, by leave, presented

No. 195, A bill to amend and re-enact section 1 of chapter 120 of the Code of Virginia of 1860, as amended by the act approved January 14th, 1873, in relation to notaries public; which, on his motion, was read the first, and ordered to be read a second time, and referred to the committee for courts of justice.

Mr. Lewis presented the petition of citizens of Lancaster county asking for the privilege of catching oysters with instruments other than oyster tongs in the waters of the Rappahannock river; which, on his motion, was referred to the committee on finance.

No. 21, Senate bill to secure and provide for paying the railroad debts of counties, townships, cities, and towns in Virginia, was taken up, on motion of Mr. Penn.

On motion of Mr. Fitzpatrick, the bill was amended by adding at the end of the 2nd section the words "except that it may apply to such debt contracted for the construction of an extension or branch of such road, in which extension or branch the State may have taken no stock."

On motion of Mr. Penn, the 4th section was amended by inserting after the word "bonds," in the 4th line, the words "and for a sinking fund to be held for the redemption of such bonds at a rate sufficient for the purpose."

On his further motion, the 5th section was amended by inserting after the words "interest on" the words "and to the formation of the sinking fund requisite for the final payment of the principal of."

On his further motion, the 7th section was amended by striking out from the word "completed." in the 4th and 5th lines, to the word "thereon," in the 6th line, both inclusive, and inserting in lieu thereof the words "graded, and in all respects placed in readiness for the rails."

On motion of Mr. Anderson of Rockbridge, the bill was further amended by adding at the end of the 1st section the words "provided, that where the interest or coupons upon bonds issued by any county, city, or town in aid of any such company, or for the purpose of paying the subscription of such county, city, or town to the capital stock of any such company, is made payable at any particular place other than the city of Richmond, the Auditor of Public Accounts may, and upon request from the Board of Supervisors of such county or the Council of such city or town, he shall authorize and allow the Treasurer of such

county, city, or town to retain any sums of money to which such county, city, or town is entitled under this act; and such Treasurer shall apply the same to the payment of the interest and principal of such bonds in the same manner that other county funds are applied to that purpose."

Mr. Greene moved further to amend the bill by inserting after the word "valuation," in the 14th line of 1st section, the words "except such increased valuation as may be produced by the discovery or working of any mine or any other extraordinary increase of valuation not produced by the construction of said railroad"—pending which,

On motion of Mr. Patterson, the Senate adjourned until to-morrow, twelve o'clock.

FRIDAY, FEBRUARY 7, 1873.

Prayer by Rev. Dr. Read.

No. 192, House bill entitled an act to authorize James Duncan and others to erect a pier-head in Ware river, in the county of Gloucester, was taken up, read twice, and referred to the committee on general laws.

A communication from the House of Delegates, by their clerk, was read as follows:

In House of Delegates, February 6, 1873.

The House of Delegates have agreed to the amendment of the Senate to House bill entitled an act to amend and re-enact an act entitled an act to prescribe the times for holding the circuit courts of the State, in force 19th March, 1872, No. 57.

They have passed House bills entitled an act to authorize the guardian of John P. Boyd, an infant, to convey certain real estate belonging to said infant, in the State of Alabama, No. 134; an act to incorporate the Virginia Coal Company, No. 67; and an act to amend and re-enact the 1st section of an act entitled an act to regulate the taking of fish for the purpose of manufacturing oil or manure, approved March 23rd, 1871, No. 102; and have passed Senate bill entitled an act relating to the public printing, and defining the duties of the Superintendent of Public Printing, No. 69, with an amendment; in which bills and amendment they respectfully request the concurrence of the Senate.

No. 102, House bill to amend and re-enact the 1st section of an act entitled an act to regulate the taking of fish for the purpose of manufacturing oil or manure, approved March 23rd, 1871, was read twice, and referred to the committee on general laws.

No. 67, House bill entitled an act to incorporate the Virginia Coal Company, was read twice, and referred to the committee on general laws.

No. 134, House bill entitled an act to authorize the guardian of John P. Boyd, an infant, to convey certain real estate belonging to said in-

fant, in the State of Alabama, was read twice, and referred to the committee for courts of justice.

No. 69, Senate bill relating to the public printing, and defining the duties of the Superintendent of Public Printing, with the amendment proposed by the House of Delegates, was taken up, and the amendment agreed to.

Ordered, That the clerk inform the House of Delegates thereof.

Mr. Herndon, from the committee for courts of justice, presented the following report :

"The committee for courts of justice have, according to order, had under consideration a resolution requesting information from the Board of Public Works as to bonds due by the Alexandria, Loudoun and Hampshire Railroad Company (now the Washington and Ohio Railroad Company), and instructing the committee to report whether or not said railroad company, by its failure to comply with the provisions of the act disposing of the State's interest in said railroad, and the deed of trust made in pursuance of said act, has made such a forfeiture as to authorize the Board of Public Works to resume the absolute ownership, possession, and control of the stock of the State in said road, &c., and the report heretofore made by said committee concerning said railroad company, which was recommitted to them for further investigation, after having fully heard and maturely considered all the questions involved, your committee beg leave to submit the accompanying joint resolutions for adoption by the General Assembly :

"1. Resolved (the House of Delegates concurring), That in the opinion of the General Assembly, it is inexpedient for the Board of Public Works to take any steps at this time to enforce the forfeiture to the State, if any has been made, of the stock of the State in the railroad company formerly called the Alexandria, Loudoun and Hampshire Railroad Company (now the Washington and Ohio Railroad Company), under the contract of the sale thereof and the deed of trust executed by the company.

"2. Resolved, That if the said road shall be completed to Winchester within three years from this time, the said forfeiture shall not be exacted; but if said road shall not be completed to Winchester within three years, then that such forfeiture as now exists shall be enforced, and any payment now received by the Board of Public Works shall be subject to this condition; and subject to this condition the Board of Public Works is authorized to receive the amount now in arrear in money."

Mr. Fitzpatrick, from the committee on general laws, reported without amendment,

No. 174, Senate bill to incorporate the Masonic Relief Association of the city of Norfolk.

And he, from the same committee, reported with amendments,

No. 194, Senate bill to incorporate Lockwood Union.

Mr. Thomas, from the committee on finance, reported with amendments,

No. 192, Senate bill for the relief of Henry Gresham of Essex county, Virginia.

And he, from the same committee, reported declaring it inexpedient to legislate on the subject at this time, and therefore recommend that the bill do not pass at this time.

No. 107, House bill entitled an act authorizing the payment of twelve months' interest on the Literary Fund for the benefit of public free schools.

On motion of Mr. Quesenberry,

Resolved, That the Auditor of Public Accounts be and he is hereby requested to have prepared for the committee on delinquent lands, as soon as practicable, a list of the delinquent lands of the Commonwealth arranged by counties.

On motion of Mr. Lackland,

Resolved, That the committee on finance enquire into and report whether the State cannot hereafter be relieved of considerable expense in the matter of printing and of publishing the laws by repealing the act now in force, and so often re-enacted, prescribing the times for holding all the circuit courts of the Commonwealth, and, in lieu thereof passing a separate act for each judicial circuit, prescribing the times for holding only its own courts.

Mr. Grimsley offered the following resolutions, which were agreed to :

Resolved, That the privileges of the floor of the Senate be extended to the Hon. Horatio Seymour, late Governor of the State of New York, now on a visit to this city.

Resolved, That the President of the Senate be requested to communicate a copy of this resolution to Ex-Governor Seymour.

Mr. Connally presented the memorial of the Board of Directors of the Richmond, Fredericksburg and Potomac Railroad Company; which, on his motion, was referred to the committee on roads and internal navigation.

Mr. Anderson of Rockbridge, by leave, presented

No. 196, A bill to regulate the working of the roads of Rockbridge county; which, on his motion, was read the first, and ordered to be read a second time, and referred to the committee on roads and internal navigation.

On motion of Mr. Lackland,

Mr. Wynne was granted leave of absence for two days.

Mr. Holladay, by leave, presented

No. 197, A bill for the relief of Wm. M. McGruder, James Gilman, Wm. C. Moncure and others; which, on his motion, was read the first, and ordered to be read a second time, and referred to the committee on finance.

A message was received from the House of Delegates by Mr. Watts, who informed the Senate that that House had agreed to a joint resolution for the appointment of a joint committee to visit Washington to urge upon Congress the benefits which would inure to the whole country by the early completion of the water line to the Ohio river.

Mr. Quesenberry moved that the resolution be taken up; and the

question being put thereon, was determined in the negative, on division—ayes 12, noes 14.

On motion of Mr. Beazley,

Mr. Taylor of Loudoun was granted leave of absence for three days.

On motion of Mr. Thomas,

Resolved, That the committee for courts of justice enquire into the expediency of amending the act of 1866-67, providing for the exemption of property from execution.

No. 64, House bill entitled an act to incorporate the town of Lebanon, in Russell county, was taken up, on motion of Mr. Smith, and the amendment proposed by the committee on general laws was agreed to.

The bill as amended was then read the third time and passed with its title.

On motion of Mr. Smith, it was

Ordered, That he inform the House of Delegates thereof and request their concurrence in the amendment.

Mr. Taylor of Loudoun made a motion to take up, out of its order on the calendar,

No. 183, Senate bill to protect butter and cheese manufacturers; and the question being put thereon, was determined in the negative, on division—ayes 11, noes 14.

No. 21, Senate bill to secure and provide for paying the railroad debts of counties, townships, cities, and towns in Virginia, being the unfinished business of yesterday, was taken up, and the pending question being on agreeing to the amendment proposed by Mr. Greene to the 1st section of the bill, was put and determined in the negative.

On motion of Mr. Penn, the vote by which the Senate agreed yesterday to the amendment proposed by Mr. Fitzpatrick to the 2nd section of the bill was reconsidered.

The question recurring on agreeing to the amendment, Mr. Penn offered the following as a substitute therefor, which was agreed to: Add at the end of the 2nd section the words "except that it may apply to such debt contracted for the construction or completion of a railroad which has been rebuilt without the aid of the State, or for the construction or completion of an extension or branch of a railroad, which extension or branch is not less than fifteen miles in length, and which shall have been constructed or completed without the aid of the State."

The amendment as amended was then agreed to.

On motion of Mr. Anderson of Rockbridge, the bill was further amended by inserting after the word "commenced," in the 17th line of 1st section, the words "in excess of the average percentage of increase of assessed taxable values in such county, city, or town during the five years next preceding the commencement of such railroad.

The bill as amended was then ordered to be engrossed and read a third time. And,

On motion of Mr. Penn, was ordered to be printed.

No. 122, Senate bill providing for making, publishing, and selling county maps, was taken up, read the third time, and on motion of Mr.

Roller, laid on the table; and, on his further motion, the following bill was taken up:

No. 80, House bill entitled an act providing for an accurate map of the several counties of the Commonwealth.

On motion of Mr. Taylor of Loudoun, the vote by which the bill was ordered to its third reading was reconsidered; and, on his further motion, the bill was amended by inserting after the word "levy," in the 4th line, the words "provided, however, that they shall be required to give at least one month's notice of the time and place of meeting to consider said subject, and a majority being present and concurring."

Mr. Thomas moved further to amend the bill by inserting after the word "contract, in the 2nd line, the words "with some competent engineer or surveyor;" and the question being put thereon, was determined in the negative.

The bill as amended was then read the third time, and the question on the passage thereof being put, was determined in the negative—ayes 10, noes 16.

On motion of Mr. Thomas, the vote was recorded as follows:

Ayes—Messrs. Beazley, Cochran, Grimsley, Herndon, Lackland, Patterson, Penn, Roller, Smith, and Taylor of Loudoun—10.

Noes—Messrs. Anderson of Rockbridge, Boykin, Fitzpatrick, Graham, Greever, Holladay, Kirkpatrick, Lewis, Martin, Meem, Norton, Quesenberry, Rixey, Robinson, Terry, and Thomas—16.

Mr. Kirkpatrick moved to reconsider the vote by which the bill was rejected; and, on this motion,

Mr. Boykin demanded the pending question, which was ordered; and being put, was determined in the negative, on division—ayes 11, noes 11.

No. 78, Senate bill providing for the future extension of the corporate limits of the city of Richmond, was taken up, read the third time, and, on motion of Mr. Quesenberry, laid on the table.

No. 105, Senate bill for the relief of A. W. Vaughan, collector of Francisco township, in Buckingham county, in the year 1871, was taken up, read the third time, and, on motion of Mr. Greever, laid on the table.

No. 134, Senate bill to amend and re-enact section 14 of chapter 130 of the Code of 1860, as amended, in relation to property not to be sold by personal representative, was taken up, read the third time, and the question being on the passage of the bill—and pending which,

On motion of Mr. Roller, the Senate adjourned until to-morrow, twelve o'clock.

SATURDAY, FEBRUARY 8, 1873.

Prayer by Rev. Dr. Read.

House joint resolution for appointment of a joint committee to visit Washington and urge upon Congress the benefits which would enure to

the whole country by the early completion of the water line to the Ohio river, was taken up—when

Mr. Nowlin moved to refer the resolution to the committee on federal relations; and the question being put thereon, was determined in the affirmative, on division—ayes 15, noes 8.

A communication from the House of Delegates, by their clerk, was read as follows:

In House of Delegates, February 7, 1873.

The House of Delegates have passed House bills entitled an act to repeal an act to amend and re-enact sections 6, 8, 14, and 15, and to repeal sections 7, 16, 17, and 18 of chapter 150 of the Code of Virginia (edition of 1860), concerning warrants for small claims, approved March 29th, 1871, and to re-enact sections 6, 7, 8, 14, 15, 16, 17, and 18 of the said chapter of the Code, No. 96; an act refunding tax erroneously assessed on the Union Lead Mine Company, No. 118; an act to repeal an act entitled an act for the protection of fish in the Blackwater river and its tributaries, approved March 21st, 1872, No. 122; and an act to amend and re-enact section 12, chapter 170 of the Code, as amended by the act passed January 8th, 1867, No. 94; in which bills they respectfully request the concurrence of the Senate.

No. 96, House bill to repeal an act to amend and re-enact sections 6, 8, 14, and 15, and to repeal sections 7, 16, 17, and 18 of chapter 150 of the Code of Virginia (edition of 1860), concerning warrants for small claims, approved March 29th, 1871, and to re-enact sections 6, 7, 8, 14, 15, 16, 17, and 18 of the said chapter of the Code, was taken up, read the first and second times, and referred to the committee for courts of justice.

No. 118, House bill entitled an act refunding tax erroneously assessed on the Union Lead Mine Company, was read the first and second times, and referred to the committee on finance.

No. 122, House bill entitled an act to repeal an act entitled an act for the protection of fish in the Blackwater river and its tributaries, approved March 21st, 1872, was taken up, read twice, and referred to the committee on general laws.

No. 94, House bill entitled an act to amend and re-enact section 12, chapter 170 of the Code, as amended by the act passed January 8th, 1867, was read twice, and referred to the committee for courts of justice.

The President laid before the Senate a communication from the Auditor of Public Accounts in response to a resolution of the Senate calling for a statement of the amount of criminal charges for each county and city of the Commonwealth, for which warrants were issued during the fiscal year ending September 30th, 1872; which, on motion of Mr. Massey, was laid on the table and ordered to be printed. (Doc. No. 14.)

Mr. Thomas, from the committee for courts of justice, reported without amendment,

No. 173, Senate bill to prevent forced sales of personal property.

Mr. Thomas, from the committee on roads and internal navigation, presented

No. 198, A bill to authorize the Fredericksburg, Orange and Charlottesville Railroad Company to extend its road to the Potomac river, to make connection with the Chesapeake and Ohio Railroad, and to borrow money; which, on motion of Mr. Quesenberry, was taken up, read the first, and ordered to be read a second time.

Mr. Pridemore, from the committee on county, city, and town organizations, presented

No. 199, A bill to amend and re-enact section 6 of an act entitled an act prescribing the duties and compensation of county officers, approved March 13th, 1872.

Mr. Anderson of Rockbridge, from the committee on public institutions, reported without amendment,

No. 193, Senate bill to authorize the Common Council of Petersburg to issue bonds of the city to the amount of forty thousand dollars for public school purposes; which was subsequently taken up, on motion of Mr. Greene, read the second, and ordered to be engrossed and read a third time.

On motion of Mr. Boykin,

Resolved, That the committee for courts of justice enquire and report to the Senate whether there were due the State any accrued dividends on the stock held in the Petersburg and Weldon Railroad at the time of its transfer in 1849; and if any such dividends had accrued and are unpaid, whether the act of March 13th, 1849, transferring said stock to the city of Petersburg operated to convey such dividends.

No. 163, Senate bill to authorize the Governor to hire out convicts in the penitentiary to the Washington, Cincinnati and St. Louis Railroad Company upon certain conditions, was taken up, on motion of Mr. Roler, read the second, and ordered to be engrossed and read a third time.

Mr. Thomas offered the following resolution (modified at the suggestions of Messrs. Quesenberry and Fitzpatrick), which was agreed to.

Resolved, That the committee on finance enquire into the expediency of reporting, at as early a day as practicable, a tax-bill and a bill providing for the payment of interest on the public debt, and what reduction in the current expenses of the government can be made.

No. 36, House bill entitled an act to extend the time within which Spencer D. Fletcher, late sheriff of Accomac county, may collect the taxes for the years 1867 and 1868, was taken up, on motion of Mr. Johnson—when

Mr. Lackland moved to amend the bill by striking out the words "eighteen hundred and sixty-seven;" and the question being put thereon, was determined in the negative.

The bill was then read the third time and passed with its title.

On motion of Mr. Johnson, it was

Ordered, That he inform the House of Delegates thereof.

No. 16, Senate bill in relation to the lease of the penitentiary, was taken up, on motion of Mr. Anderson of Rockbridge, and, on his further motion, laid on the table and made the order of the day for Tuesday next, and the continuing order from day to day until disposed of.

No. 101, Senate bill to authorize the Liberty and Rocky Mount Nar-

row Gauge Railroad Company to extend its road from Rocky Mount to the North Carolina line, was taken up, on motion of Mr. Patterson, and read the third time—when,

On motion of Mr. Penn, by general consent, the bill was amended by inserting after the words "Henry and Patrick" the words "or either of them."

The bill as amended was then passed with its title..

Ordered, That the clerk inform the House of Delegates thereof and request their concurrence therein.

No. 169, Senate bill to incorporate the Franklin toll-bridge across Staunton river, in the counties of Campbell and Halifax, was taken up, read the second time, and having been amended, on motion of Mr. Pride-more, was ordered to be engrossed and read a third time.

No. 164, Senate bill to authorize counties, cities, towns, and townships to endorse the bonds of the Washington, Cincinnati and St. Louis Railroad Company, was taken up, on motion of Mr. Meem, read the second time, and the amendment proposed by the committee on general laws was agreed to; and the bill as amended was ordered to be engrossed and read a third time.

No. 167, Senate bill directing the Board of Public Works to sell the State's interest in the Richmond, Fredericksburg and Potomac Railroad Company, was taken up, on motion of Mr. Quesenberry, read the second, and ordered to be engrossed and read a third time.

No. 137, Senate bill to amend and re-enact section 63, chapter 85, Code of Virginia, in relation to lunatic asylums, was taken up, on motion of Mr. Massey, read the second, and ordered to be engrossed and read a third time.

No. 119, Senate bill to amend and re-enact the 1st and 2nd sections of the act entitled an act to incorporate the Virginia and Northwestern Railroad Company, was taken up, on motion of Mr. Beazley, read the third time and passed.

On motion of Mr. Beazley, the title was amended by striking out the words "second sections," and inserting in lieu thereof the words "fifth sections;" and the title as amended was then agreed to.

Ordered, That the clerk inform the House of Delegates thereof and request their concurrence therein.

A message was received from the House of Delegates by Mr. Bolling, who informed the Senate that that House had passed a bill entitled an act to amend and re-enact section 61 of an act imposing taxes for the support of government and free schools, and to pay the interest on the public debt, approved April 5th, 1872, No. 105.

No. 179, Senate bill to amend and re-enact section 3 of an act passed January 13th, 1831, entitled an act incorporating the Danville Female Academy, was taken up, on motion of Mr. Anderson of Pittsylvania, read the second, and ordered to be engrossed and read a third time.

No. 184, Senate bill to amend and re-enact section 14 of chapter 130 of the Code of 1860, as amended, in relation to property not to be sold by personal representative, being the unfinished business of yesterday,

was taken up, and the pending question being on the passage of the bill, was put, and determined in the affirmative.

Ordered, That the clerk inform the House of Delegates thereof and request their concurrence therein.

No. 117, Senate bill to amend and re-enact section 7 of an act entitled an act to protect the oyster beds in the waters of the Commonwealth, approved July 11th, 1870, so as to prevent the planting of oysters on natural beds or rocks, was taken up, read the third time and passed with its title.

Ordered, That the clerk inform the House of Delegates thereof and request their concurrence therein.

No. 108, Senate bill to amend and re-enact section 6 of chapter 169, and section 7 of chapter 170, Code of 1860, in relation to proceedings and suits against insurance companies, was read the third time and passed.

The title was then amended as proposed by the committee for courts of justice, and agreed to in these words:

"An act to amend and re-enact section 1 of chapter 169 of the Code of 1860, as amended, and section 7 of chapter 170 of said Code, in relation to the counties or corporations in which suits may be commenced, and as to proceedings and suits against insurance companies."

Ordered, That the clerk inform the House of Delegates of the passage of the bill and request their concurrence therein.

No. 188. Senate bill to amend and re-enact section 7 of an act in force March 26th, 1872, entitled an act to incorporate the Old Dominion Construction Company, was taken up, on motion of Mr. Anderson of Pittsylvania, read the second, and ordered to be engrossed and read a third time.

No. 114, Senate bill to authorize the issue of certificates of State debt to the executors of Jacquelin P. Taylor for principal and interest on certain lost coupon bonds, was taken up, read the third time, and, on motion of Mr. Nowlin, laid on the table.

No. 181, Senate bill to amend and re-enact the 1st section of chapter 120 of the Code of Virginia (edition of 1860), as amended and re-enacted by the act approved January 14th, 1873, in relation to notaries public, was taken up, on motion of Mr. Roller, and read the second time—when

Mr. Roller offered a substitute for the bill (being Senate bill No. 195); and the question on the adoption of the substitute being put, was determined in the affirmative, and the bill as amended was ordered to be engrossed and read a third time.

No. 124, Senate bill to prevent the seduction of females, and amending and re-enacting the 16th section of chapter 191, in reference to the abduction of females, was taken up, read the third time, and, on motion of Mr. Pridemore, laid on the table.

No. 144, Senate bill for the relief of the sureties of William M. Hume, deceased, late sheriff of Fauquier, was taken up, read the third time, and passed with its title.

Ordered, That the clerk inform the House of Delegates thereof and request their concurrence therein.

No. 139, Senate bill to amend and re-enact the 5th section of an act passed March 20th, 1872, in relation to fences and the protection of crops, was taken up, read the third time and passed.

The title was then amended as proposed by the committee on general laws, and agreed to in these words:

"An act to amend and re-enact the 5th section of an act in force March 20th, 1872, entitled an act to amend and re-enact sections 4 and 5 of the act relating to fences and for the protection of crops, passed January 26th, 1866."

Ordered, That the clerk inform the House of Delegates thereof and request their concurrence therein.

No. 196, Senate bill to regulate the working of the roads of Rockbridge county, was, on motion of Mr. Anderson of Rockbridge, ordered to be printed.

No. 135, Senate bill for the relief of Isaac N. Bussles, was taken up, read the third time, and, on motion of Mr. Thomas, laid on the table.

No. 121, Senate bill to amend and re-enact section 5 of chapter 125 of the Code of 1860, in relation to the maintenance of illegitimate children, was taken up, read the third time and passed with its title.

Ordered, That the clerk inform the House of Delegates thereof and request their concurrence therein.

No. 157, Senate bill to amend and re-enact the 3rd section of the act passed July 9th, 1870, incorporating the Fairfax County Narrow Gauge Elevated Railroad Company, was taken up, read the third time and passed with its title.

No. 132, Senate bill to authorize the Township Board of Tanner's Creek Township to contract annually for keeping in repair the public roads in district No. 1, in said township, was taken up, read the third time and passed with its title.

No. 149, Senate bill to amend the 1st section of an act entitled an act to amend and re-enact an act to authorize the circuit courts of the Commonwealth to grant charters of incorporation, and to repeal sections 4, 5, 6, 7, 8, 9, and 10 of chapter 65, and section 54 of chapter 57 of the Code of Virginia (edition of 1860), approved March 20th, 1870, in force March 21st, 1872, authorizing judges in vacation to amend charters of incorporation, was taken up, read the third time and passed with its title.

Ordered, That the clerk communicate the passage of these three bills to the House of Delegates and request their concurrence therein.

On motion of Mr. Nowlin, the Senate adjourned until Monday next, twelve o'clock.

MONDAY, FEBRUARY 10, 1873.

Mr. Thomas, President pro tempore, in the chair.

Prayer by Rev. Dr. Woodbridge.

No. 105, House bill entitled an act to amend and re-enact section 61 of an act imposing taxes for the support of government and free schools, and to pay the interest on the public debt, approved April 3rd, 1872, was taken up, twice read, and, on motion of Mr. Penn, the rule requiring the commitment of the same was suspended, and the bill laid on the table.

A communication from the House of Delegates, by their clerk, was read as follows:

In House of Delegates, February 8, 1873.

The House of Delegates have agreed to the amendment of the Senate to House joint resolution memorializing Congress to abolish the internal tax on all liquors made from fruits, No. 25.

And they have passed House bills entitled an act authorizing the formation of Land Associations, No. 85; an act for the relief of Thomas A. and W. R. Bryan, No. 161; an act to amend sections 1 and 2 of chapter 254, Acts of 1855-56, passed December 20th, 1855, in relation to the town of Upperville, No. 194; and an act to annex a portion of the territory of the county of Franklin to the county of Floyd, No. 111; in which they respectfully request the concurrence of the Senate.

No. 85, House bill entitled an act authorizing the formation of land associations, was taken up, twice read, and referred to the committee on general laws.

No. 194, House bill entitled an act to amend sections 1 and 2 of chapter 254, Acts of 1855-56, passed December 20th, 1855, in relation to the town of Upperville, was taken up, twice read, and referred to the committee on county, city, and town organizations.

No. 61, House bill entitled an act for the relief of Thomas A. and W. R. Bryan, was taken up, twice read, and referred to the committee on finance.

No. 111, House bill entitled an act to annex a portion of the territory of the county of Franklin to the county of Floyd, was taken up, twice read, and referred to the committee on general laws.

Mr. Fitzpatrick, from the committee on general laws, reported with an amendment,

No. 192, House bill entitled an act to authorize James Duncan and others to erect a pier-head in Ware river, in the county of Gloucester; which was subsequently taken up, and the amendment agreed to; and the bill as amended was read the third time and passed with its title.

Ordered, That the clerk inform the House of Delegates thereof and request their concurrence in the amendment.

He, from the same committee, reported without amendment,

No. 122, House bill entitled an act to repeal an act entitled an act

for the protection of fish in the Blackwater river and its tributaries, approved March 21st, 1872; which was subsequently taken up, read the third time and passed with its title.

Ordered, That the clerk inform the House of Delegates thereof.

He, from the same committee, reported without amendment.

No. 102, House bill entitled an act to amend and re-enact the 1st section of an act entitled an act to regulate the taking of fish for the purpose of manufacturing oil or manure, approved March 23rd, 1871; which was subsequently taken up, read the third time and passed with its title.

Ordered, That the clerk inform the House of Delegates thereof.

He, from the same committee, reported without amendment,

No. 151, Senate bill to incorporate the United States Gold and Silver Amalgamating Company of Virginia.

And he, from the same committee, reported without amendment,

No. 189, Senate bill to provide for the valuation of life insurance policies.

Mr. Johnson, from the committee on finance, reported without amendment,

No. 118, House bill refunding tax erroneously assessed on the Union Lead Mine Company; which was subsequently taken up, and, on motion of Mr. Nowlin, laid on the table.

No. 163, Senate bill to authorize the Governor to hire out convicts in the penitentiary to the Washington, Cincinnati and St. Louis Railroad Company upon certain conditions, was taken up, read third time, and the question on the passage thereof being put, was determined in the negative—ayes 7, noes 15.

On motion of Mr. Martin, the vote was recorded as follows:

Ayes—Messrs. Anderson of Pittsylvania, Beazley, Holladay, Lewis, Rixey, Roller, and Thomas—7.

Noes—Messrs. Fitzpatrick, Graham, Grimsley, Johnson, Kirkpatrick, Lackland, Martin, Massey, Norton, Nowlin, Nutting, Penn, Pridemore, Quesenberry, and Terry—15.

On motion of Mr. Grimsley, the vote by which the bill was rejected was reconsidered—and,

On motion of Mr. Roller, the bill was laid on the table.

No. 169, Senate bill to incorporate the Franklin Toll-bridge across Staunton river, in the counties of Campbell and Halifax, was taken up, read the third time and passed with its title.

Ordered, That the clerk inform the House of Delegates thereof and request their concurrence therein.

No. 164, Senate bill to authorize counties, cities, towns, and townships to endorse the bonds of the Washington, Cincinnati and St. Louis Railroad Company, was taken up, read the third time and, passed with its title.

Ordered, That the clerk inform the House of Delegates thereof and request their concurrence therein.

No. 167, Senate bill directing the Board of Public Works to sell the State's interest in the Richmond, Fredericksburg and Potomac Railroad

Company, was taken up, read the third time, and the question on the passage thereof being put, was determined, for want of a constitutional majority, in the negative—ayes 18, noes 4.

The vote was recorded as follows:

Ayes—Messrs. Anderson of Pittsylvania, Beazley, Cochran, Connally, Fitzpatrick, Grimsley, Holladay, Kirkpatrick, Lackland, Lewis, Martin, Massey, Nowlin, Penn, Pridemore, Rixey, Roller, and Thomas—18.

Noes—Messrs. Johnson, Norton, Nutting, and Quesenberry—4.

On motion of Mr. Quesenberry, the vote by which the bill was rejected was reconsidered; and, on his further motion, the bill was laid on the table.

No. 137, Senate bill to amend and re-enact section 63, chapter 85, Code of Virginia, in relation to lunatic asylums, was taken up, read the third time, and the question on the passage thereof being put, was determined in the affirmative—ayes 24, noes none.

The vote was recorded as follows:

Ayes—Messrs. Anderson of Pittsylvania, Beazley, Cochran, Connally, Fitzpatrick, Graham, Grimsley, Holladay, Johnson, Kirkpatrick, Lackland, Lewis, Martin, Massey, Norton, Nowlin, Nutting, Penn, Pridemore, Quesenberry, Rixey, Roller, Smith, and Thomas—42.

Noes—none.

The title was then agreed to.

Ordered, That the clerk inform the House of Delegates of the passage of the bill and request their concurrence therein.

No. 193, Senate bill to authorize the Common Council of Petersburg to issue bonds of the city to the amount of forty thousand dollars for public school purposes, was taken up, read the third time and passed with its title.

No. 179, Senate bill to amend and re-enact section 3 of an act passed January 13th, 1831, entitled an act incorporating the Danville Female Academy, was taken up, read the third time and passed with its title.

No. 188, Senate bill to amend and re-enact section 7 of an act in force March 26th, 1872, entitled an act to incorporate the Old Dominion Construction Company, was taken up, read the third time and passed with its title.

No. 181, Senate bill to amend and re-enact the 1st section of chapter 120 of the Code of Virginia (edition of 1860), as amended and re-enacted by the act approved January 14th, 1873, in relation to notaries public, was taken up, read the third time and passed with its title.

Ordered, That the clerk communicate the passage of the four preceding bills to the House of Delegates and request their concurrence therein.

No. 107, House bill entitled an act authorizing the payment of twelve months' interest on the literary fund for the benefit of public free schools, was taken up, and, on motion of Mr. Pridemore, laid on the table.

The President laid before the Senate a communication from the Auditor of Public Accounts asking for authority to employ temporary clerks for the purpose of preparing the statement in relation to delinquent

lands, called for by resolution of the Senate; which, on motion of Mr. Pridemore, was referred to the committee on delinquent lands.

No. 105, House bill entitled an act to amend and re-enact section 61 of an act imposing taxes for the support of government and free schools, and to pay the interest on the public debt, approved April 3rd, 1872, was taken up, on motion of Mr. Penn, when he moved to amend the bill by inserting after the word "settlers," in the 4th line of the 61st amended section, the words "or for the construction of narrow gauge railroads;" and the question being put thereon, was determined in the affirmative, on division—ayes 13, noes 9.

As a consequential amendment, the same words were inserted after the word "settlers," in the 16th line of same section.

Mr. Roller made a motion (modified at the suggestion of Mr. Penn) that the bill be further amended by inserting after the amendments just agreed to, the words "or for the incorporation of a banking institution, turnpike company, or toll-bridge company."

The question being on agreeing to the amendment,

Mr. Quesenberry offered the following as a substitute therefor:

"Insert after the amendments agreed to, the words 'and any companies calculated to develop the resources of the State.'"

The question on agreeing to the substitute being put, was determined in the negative.

The question recurring on agreeing to the amendment submitted by Mr. Roller, as modified, and being put, was determined in the affirmative—ayes 16, noes 7.

On motion of Mr. Stevens, the vote was recorded as follows:

Ayes—Messrs. Anderson of Pittsylvania, Cochran, Fitzpatrick, Graham, Holladay, Johnson, Lackland, Lathrop, Massey, Norton, Nowlin, Nutting, Penn, Quesenberry, Rixey, and Roller—16.

Noes—Messrs. Beazley, Grimsley, Martin, Pridemore, Robinson, Stevens, and Thomas—7.

The bill was then read the third time, and the question on the passage thereof being put, resulted—ayes 16, noes 9.

The vote was recorded as follows:

Ayes—Messrs. Anderson of Pittsylvania, Cochran, Connally, Graham, Holladay, Lackland, Lathrop, Lewis, Massey, Norton, Nowlin, Nutting, Penn, Quesenberry, Roller, and Smith—16.

Noes—Messrs. Beazley, Fitzpatrick, Grimsley, Kirkpatrick, Rixey, Robinson, Stevens, Terry, and Thomas—9.

The President decided that the bill was rejected for want of a constitutional majority; and from this decision Mr. Penn appealed, and, on his further motion, the appeal was laid on the table.

No. 110, Senate bill to amend and re-enact section 8, chapter 186 of the Code of Virginia, as amended and re-enacted by chapter 175 of the Session Acts of 1871-72, in regard to judgment liens, was taken up, on motion of Mr. Kirkpatrick, and passed with its title.

No. 118, House bill entitled an act refunding tax erroneously assessed on the Union Lead Mine Company, was taken up, on motion of Mr. Nowlin—when

Mr. Kirkpatrick moved to amend the bill by striking out so much as provides for refunding the taxes paid prior to 1867—pending which,

On motion of Mr. Nowlin, the bill was laid on the table.

No. 21, Senate bill to secure and provide for paying the railroad debts of counties, townships, cities, and towns in Virginia, was taken up, on motion of Mr. Anderson of Rockbridge, and, on motion of Mr. Penn, laid on the table and made the order of the day for to-morrow at one o'clock, and the continuing order for each day thereafter until disposed of.

No. 150, Senate bill providing for change of names of townships where two townships are called by the same name, was taken up, read the second time, and the question on ordering the bill to its engrossment and third reading being put, was determined in the negative. Therefore,

Resolved, That it be rejected.

No. 127, Senate bill to amend and re-enact section 7 of an act entitled an act to provide for the general registration of voters, approved April 12th, 1870, as amended by the act approved March 14th, 1872, in relation to the general registration of voters, was taken up, read the second time, and the amendments proposed by the committee of privileges and elections were agreed to; and the bill as amended was ordered to be engrossed and read third a time.

Joint resolution in relation to Upper Appomattox Company, was taken up, and, on motion of Mr. Quesenberry, was recommitted to the committee on roads and internal navigation.

No. 168, Senate bill to amend and re-enact the 1st section of the act passed March 1th, 1872, amending and re-enacting the act passed July 11th, 1870, entitled an act to incorporate the Potomac and Manassas Railroad Company, was taken up, read the second, and ordered to be engrossed and read a third time.

No. 170, Senate bill to incorporate the American Lithographic Stone Company of Virginia, was taken up, read the second time, and the amendment proposed by the committee on general laws was agreed to; and the bill as amended was ordered to be engrossed and read a third time.

No. 162, Senate bill to authorize the county surveyors to take acknowledgments of deeds, was taken up, read the second time, and the question on ordering the bill to its engrossment and third reading being put, was determined in the negative. Therefore,

Resolved, That it be rejected.

No. 146, Senate bill to repeal an act passed February 8th, 1865, to amend and re-enact section 2, chapter 169 of the Code of 1860, in relation to the county or corporation in which suits may be commenced, was taken up, read the second time, and, on motion of Mr. Fitzpatrick, was recommitted to the committee for courts of justice.

No. 147, Senate bill giving the consent of this State to the purchase by the United States of two tracts of land in the counties of Henrico and Hanover, to be used for military cemeteries, and exempting the same from State and county taxes, was taken up, read the second, and ordered to be engrossed and read a third time.

No. 148, Senate bill to establish and maintain a normal school, and to provide otherwise for the training of teachers for the public schools of Virginia, was taken up, read the second time, and, on motion of Mr. Johnson, laid on the table.

No. 118, Senate bill to amend and re-enact section 15 of an act entitled an act to establish and maintain a uniform system of public free schools, approved July 11th, 1870, was taken up, read the second time, and the question on ordering the bill to its engrossment and third reading being put, was determined in the negative. Therefore,

Resolved, That it be rejected.

No. 175, Senate bill to amend and re-enact sections 3 and 15 of the act approved June 27th, 1870, entitled an act to prescribe in what manner and on what conditions a householder or head of a family shall set apart and hold a homestead and personal property for benefit of himself and family exempt from sale for debt, was taken up, read the second, and the question being on ordering the bill to its engrossment and third reading—and pending which,

On motion of Mr. Graham, the Senate adjourned until to-morrow, twelve o'clock.

TUESDAY, FEBRUARY 11, 1873.

Mr. Thomas, President pro tempore, in the chair.

Prayer by Rev. Dr. Woodbridge.

Mr. Herndon, from the committee for courts of justice, reported without amendment,

No. 146, Senate bill to repeal an act passed February 8th, 1865, to amend and re-enact section 2 of chapter 169 of the Code of 1860, in relation to the county or corporation in which suits may be commenced.

He, from the same committee, presented

No. 200, A bill to amend and re-enact section 39 of chapter 184 of the Code of 1860, as amended, concerning allowance of certain officers.

And he, from the same committee, presented

No. 201, A bill to amend and re-enact section 7 of chapter 165 of the Code of 1860, as amended, concerning compensation of Commonwealth's attorneys.

Mr. Lewis presented the petition of Warner Eubank of Lancaster, guardian of John S. Eubank, for refunding taxes paid in excess on real estate of said ward; which, on his motion, was referred to the committee on finance.

No. 175, Senate bill to amend and re-enact sections 3 and 15 of the act approved June 27th, 1870, entitled an act to prescribe in what manner and on what conditions a householder or head of family shall set apart and hold a homestead and personal property for benefit of himself and family exempt from sale for debt, being the unfinished business of

yesterday, was taken up, and, on motion of Mr. Lackland, laid on the table.

No. 105, House bill entitled an act to amend and re-enact section 61 of an act imposing taxes for the support of the government and free schools, and to pay the interest on the public debt, approved April 5th, 1872, which the President decided was rejected on yesterday for want of a constitutional majority, and from which decision an appeal was pending, was taken up, on motion of Mr. Penn—when,

On motion of Mr. Robinson, the vote by which the bill was rejected was reconsidered; and, on his further motion, the vote ordering the bill to its third reading was reconsidered; and,

On motion of Mr. Penn, the vote by which the amendments were agreed to was reconsidered—when,

On motion of Mr. Anderson of Rockbridge, the amendments were amended by adding at the end of each of said amendments the words "or company to be organized exclusively for literary or educational purposes hereafter considered."

The amendments as amended were then agreed to, and the bill as amended was read the third time; and the question on its passage being put, was determined in the affirmative, on division—ayes 14, noes 8.

Ordered, That the clerk inform the House of Delegates thereof and request their concurrence in the amendments.

No. 127, Senate bill to amend and re-enact section 7 of an act entitled an act to provide for the general registration of voters, approved April 12th, 1870, as amended by the act approved March 14th, 1872, in relation to the general registration of voters, was taken up, read the third time, and, on motion of Mr. Kirkpatrick, laid on the table; subsequently, the bill was taken up, on his motion, and passed with its title.

Ordered, That the clerk inform the House of Delegates thereof and request their concurrence therein.

No. 168, Senate bill to amend and re-enact the 1st section of the act passed March 4th, 1872, amending and re-enacting the act passed July 11th, 1870, entitled an act to incorporate the Potomac and Manasses Railroad Company, was taken up, read the third time and passed with its title.

No. 170, Senate bill to incorporate the American Lithographic Stone Company of Virginia, was taken up, read the third time and passed with its title.

No. 147, Senate bill giving the consent of this State to the purchase by the United States of two tracts of land in the counties of Henrico and Hanover, to be used for military cemeteries, and exempting the same from State and county taxes, was taken up, read the third time, and the question on the passage thereof being put, was determined in the affirmative—ayes 24, noes 1.

The vote was recorded as follows:

Ayes—Messrs. Anderson of Pittsylvania, Anderson of Rockbridge, Graham, Greene, Grimsley, Herndon, Kirkpatrick, Lackland, Lathrop, Martin, Massey, Meem, Norton, Nowlin, Nutting, Penn, Pridemore, Quesenberry, Rixey, Roller, Smith, Stevens, Terry, and Thomas—24.

Noes—Mr. Johnson—1.

The title of the bill was then agreed to.

Ordered, That the clerk inform the House of Delegates of the passage of the three preceding bills and request their concurrence therein.

No. 57, Senate bill to provide for the establishment of a Bureau of Immigration, was taken up, read the second time, and the substitute therefor proposed by the committee on immigration was agreed to; and the bill as amended was ordered to be engrossed and read a third time.

No. 154, Senate bill to amend and re-enact section 72 of an act entitled an act to provide for a general election, approved May 11th, 1870, was taken up, read the second, and ordered to be engrossed and read a third time.

No. 158, Senate bill to amend and re-enact section 3 of an act passed March 3rd, 1866, providing for adjustment of liabilities arising under contracts and wills made between 1st day of January, 1862, and the 10th day of April, 1865, was taken up, read the second time, and having been amended, on motion of Mr. Pridemore, was ordered to be engrossed and read a third time.

No. 165, Senate bill to provide a new charter for the city of Richmond, was taken up, on motion of Mr. Nowlin, read the second time, and the amendments proposed by the committee on general laws were agreed to; and the bill as amended was ordered to be engrossed and read a third time.

On motion of Mr. Johnson, leave of absence was granted Mr. Wynne for the remainder of the week.

No. 16, Senate bill in relation to the lease of the penitentiary, being the order of the day, was taken up, on motion of Mr. Anderson of Rockbridge, and, on his further motion, the bill was amended by inserting after the word "make," in the 61st line of 3rd section, the words "and that so much of the sum realized from the sale of the present grounds and buildings of the penitentiary as shall remain after defraying the cost of the purchase of a new site and the erection of suitable buildings thereon, shall be paid into the State treasury to the credit of the Commonwealth."

On his further motion the bill was further amended by inserting after the word "commissioners," in line 64 of section 3, the words "and that before making any contract for the removal of the penitentiary or for the sale of the present grounds and buildings thereof, the said commissioners shall, by advertisement in two newspapers published in this State and one published in the city of New York, invite sealed proposals from parties willing to contract for the purchase, sale, or removal thereof."

Mr. Grimsley moved further to amend the bill by striking out the whole of the 2nd section and inserting in lieu thereof the following:

"That said commissioners shall advertise for twenty days in the newspapers of the city of Richmond, and at least one newspaper in the city of New York, that they will, up to the expiration of the twenty days, receive sealed proposals for the lease of the penitentiary of the State (subject to the right of removal thereof) and all the property thereto belonging, and the hiring of all the convict labor thereof; and they will also advertise for the same time that they will, within the time herein prescribed, receive sealed proposals for the sale of the present site of

the penitentiary, and also the lots and grounds thereunto belonging, and for the purchase of a new site at any point within the State within two miles of a line of railroad."

The question on agreeing to the amendment being put, was determined in the negative.

The bill was further amended on motions of Messrs. Grimsley and Anderson of Rockbridge.

Mr. Martin moved further to amend the bill by striking out, in the 12th and 13th lines of 3rd section, the words "transportation of convicts to the penitentiary;" and the question on agreeing thereto being put, was determined in the negative.

Mr. Lathrop made an unsuccessful motion to lay the bill on the table.

Mr. Penn moved to reconsider the vote by which the amendment of Mr. Martin was rejected; and the question being put thereon, was determined in the affirmative, on division—ayes 12, noes 10.

The question recurring on agreeing to the amendment, and being put, was determined in the affirmative—ayes 18, noes 11.

On motion of Mr. Pridemore, the vote was recorded as follows:

Ayes—Messrs. Anderson of Pennsylvania, Anderson of Rockbridge, Boykin, French, Graham, Greene, Greever, Holladay, Johnson, Kirkpatrick, Lewis, Martin, Nowlin, Penn, Quesenberry, Taylor of Norfolk city, Terry, and Thomas—18.

Noes—Messrs. Grimsley, Herndon, Lackland, Lathrop, Massey, Norton, Pridemore, Rixey, Robinson, Rue, and Smith—11.

The bill as amended was ordered to be engrossed and read a third time.

On motion of Mr. Terry, the Senate adjourned until to-morrow, twelve o'clock.

WEDNESDAY, FEBRUARY 12, 1873.

Mr. Thomas, President pro tempore, in the chair.

Prayer by Rev. Dr. Woodbridge.

A communication from the House of Delegates, by their clerk, was read as follows:

In House of Delegates, February 11, 1873.

The House of Delegates have agreed to the amendments of the Senate to House bills entitled an act to amend section 33 of chapter 162 and section 10 of chapter 208 of the Code of Virginia (edition of 1860), in relation to the pay of jurors, No. 92; and an act to incorporate the town of Lebanon, in Russell county, No. 64.

The President laid before the Senate a communication from the Auditor of Public Accounts enclosing in response to a resolution of the Senate an itemized statement of amounts drawn from the civil and contingent fund, on the order of the Executive, during the last fiscal year;

which, on motion of Mr. Massey, was laid on the table and ordered to be printed. (Doc. No. 15.)

On motion of Mr. Nowlin, it was

Ordered, That he inform the House of Delegates of the passage, with amendments, of the following bill and request their concurrence in said amendments:

No. 105, House bill entitled an act to amend and re-enact section 61 of an act imposing taxes for the support of the government and free schools, and to pay the interest on the public debt, approved April 5th, 1872.

Mr. Anderson of Pittsylvania, by leave, presented

No. 202, A bill to amend and re-enact sections 5. and 10 of an act passed January 20th, 1866, entitled an act to incorporate the Johnson Insurance Company of Danville, Virginia; which, on his motion, was read the first, and ordered to be read a second time, and referred to the committee on general laws,

Mr. Nowlin, in behalf of Mr. Kirpatrick, by leave, presented

No. 203, A bill to incorporate the trustees of the Presbyterian Committee of Publication; which, on his motion, was read the first, and ordered to be read a second time, and referred to the committee on general laws.

Mr. Taylor of Norfolk city, by leave, presented

No. 204, A bill to authorize the Second Auditor to issue duplicates of certain warrants on the treasury lost or destroyed before payment; which, on his motion, was read the first, and ordered to be read a second time, and referred to the committee on finance. And in connection therewith,

He presented a petition stating the facts of the loss of certain warrants on the treasury, and asking that duplicates thereof be issued; which, on his motion, was referred to the committee on finance.

Mr. Rue, by leave, presented

No. 205, A bill to incorporate the Norfolk and Berkley Ferry Company; which, on his motion, was read the first, and ordered to be read a second time, and referred to the committee on general laws.

Mr. Lackland presented a petition from, or proceedings of a meeting of colored citizens of Botetourt on the subject of colored men serving on juries; which, on his motion, was referred to the committee for courts of justice.

Mr. Ward presented the petition of John R. Harmer, praying the General Assembly to refund to him a tax of \$31.67, &c.; which, on his motion, was referred to the committee on finance.

On motion of Mr. Connally,

Resolved, That the committee for courts of justice enquire at once into the expediency of so amending the divorce laws of the State as to enable either party to the matrimonial contract to sue for and obtain an absolute divorce from the other, where such other is shown to the court by the testimony of scientific men, learned in the diseases of the mind, to be incurably insane.

No. 57, Senate bill to provide for the establishment of a Bureau of

Immigration, was taken up, read the third time, and the question on the passage of the bill being put, was determined in the negative—ayes 14, noes 18.

The vote was recorded as follows:

Ayes—Messrs. Anderson of Rockbridge, Boykin, Connally, Grimsley, Herndon, Holladay, Johnson, Kirkpatrick, Meem, Quesenberry, Rixey, Taylor of Norfolk city, Terry, and Thomas—14.

Noes—Messrs. French, Graham, Greene, Greever, Lackland, Martin, Massey, Norton, Nowlin, Nutting, Penn, Pridemore, Robinson, Rue, Smith, Stevens, Taylor of Loudoun, and Ward—18.

Mr. Lackland moved to reconsider the vote by which the bill was rejected.

Mr. Kirkpatrick moved to lay the motion to reconsider on the table; and the question being put thereon, was determined in the affirmative—ayes 24, noes 9.

On motion of Mr. Graham, the vote was recorded as follows:

Ayes—Messrs. Anderson of Pittsylvania, Anderson of Rockbridge, Boykin, Connally, Greever, Grimsley, Herndon, Holladay, Johnson, Kirkpatrick, Lackland, Lewis, Martin, Meem, Nowlin, Perrin, Quesenberry, Rixey, Roller, Taylor of Loudoun, Taylor of Norfolk city, Terry, Thomas, and Ward—24.

Noes—Messrs. French, Graham, Greene, Massey, Penn, Pridemore, Robinson, Rue, and Smith—9.

No. 21, Senate bill to secure and provide for paying the railroad debts of counties, townships, cities, and towns in Virginia, being the order of the day, was taken up, on motion of Mr. Anderson of Rockbridge, and read the third time; and the question being on the passage of the bill,

Mr. Taylor of Loudoun demanded the pending question, which was ordered; and being put, was determined in the negative—ayes 13, noes 17.

On motion of Mr. Kirkpatrick, the vote was recorded as follows:

Ayes—Messrs. Anderson of Rockbridge, French, Greever, Johnson, Norton, Nowlin, Penn, Pridemore, Robinson, Roller, Rue, Smith, and Ward—13.

Noes—Messrs. Boykin, Connally, Greene, Grimsley, Herndon, Holladay, Kirkpatrick, Lewis, Martin, Meem, Perrin, Quesenberry, Rixey, Taylor of Loudoun, Taylor of Norfolk city, Terry, and Thomas—17.

Mr. Lewis, by leave, presented

No. 206, A bill for the relief of Warner Eubank, guardian of John S. Eubank of Lancaster; which, on his motion, was read the first, and ordered to be read a second time, and referred to the committee on finance.

The following bills were taken up, read the first, and ordered to be read a second time.

No. 186, Senate bill to amend and re-enact section 2 of chapter 80 of the Code of 1860, in relation to funds from gifts, grants, devises, and bequests.

No. 199, Senate bill to amend and re-enact section 6 of an act entitled an act prescribing the duties and compensation of county officers, approved March 18th, 1872.

No. 200, Senate bill to amend and re-enact section 39 of chapter 184 of the Code of 1860, as amended, concerning allowance of certain officers. And

No. 201, Senate bill to amend and re-enact section 7 of chapter 165 of the Code of 1860, as amended, concerning compensation of Commonwealth's attorneys.

On motion of Mr. Nowlin, the Senate adjourned until to-morrow, twelve o'clock.

THURSDAY, FEBRUARY 13, 1873.

Prayer by Rev. Dr. Woodbridge.

Mr. Herndon, from the committee for courts of justice, reported with the recommendation that it do not pass,

No. 180, Senate bill for the relief of the heir-at-law of Bennett Aldridge, deceased.

He, from the same committee, reported with the recommendation that it do not pass,

No. 184, Senate bill to amend and re-enact chapter 253, Acts of Assembly 1871-72, entitled an act to repeal section 10, and to amend and re-enact section 2 of chapter 174 of Code of Virginia, in relation to the removal of causes, and to revive sections 1 and 2 of chapter 174 of the Code of Virginia (edition of 1860.)

He, from the same committee, reported with an amendment to the title,

No. 94, House bill entitled an act to amend and re-enact section 12, chapter 170 of the Code, as amended by the act passed January 8th, 1867.

He, from the same committee, presented a report declaring it unnecessary to legislate on the subject of a petition of colored citizens of Botetourt as to colored men serving on juries, as colored men are not prohibited by law from service on juries.

He, from the same committee, presented a report declaring it inexpedient to pass a general law applicable to such cases as are referred to in resolution enquiring into the expediency of amending the law so as to make incurable insanity a sufficient cause for divorce.

And he, from the same committee, presented a report declaring it inexpedient to legislate on the subject of a resolution enquiring into the expediency of amending the act of 1866-67, providing for the exemption of property from execution.

Mr. Taylor of Loudoun, by leave, presented

No. 207, A bill to incorporate the Old Dominion Cheese and Butter Company; which, on his motion, was read the first, and ordered to be read a second time, and referred to the committee on general laws.

Mr. Taylor of Loudoun, by leave, presented

No. 208, A bill to authorize the trustees of Hamilton Lodge, No.

37, Ancient, Free and Accepted Masons to borrow money for the purpose of erecting a masonic hall; which, on his motion, was read the first, and ordered to be read a second time, and referred to the committee on general laws.

No. 154, Senate bill to amend and re-enact section 72 of an act entitled an act to provide for a general election, approved May 11th, 1870, was taken up, read the third time and passed with its title.

Ordered, That the clerk inform the House of Delegates thereof and request their concurrence therein.

No. 158, Senate bill to amend and re-enact section 3 of an act passed March 3rd, 1866, providing for adjustment of liabilities arising under contracts and wills made between 1st day of January 1862, and the 10th day of April, 1865, was taken up, read the third time—when

Mr. Thomas submitted the following clause by way of a ryder to the bill:

"Provided, however, that if any judgment or decree upon any of the contracts entered into between the 1st January, 1862, and 10th April 1865, have been satisfied, then the said judgments or decrees shall not be subject to the operation of this law."

The ryder was read the first and second times—when

Mr. Kirkpatrick moved to amend the same by adding the words "and no relief shall be had under the provisions of this section as against a judgment by default, unless the party seeking relief shall show good cause for his laches in failing to make his defence before judgment is rendered, and the costs of the proceeding for relief shall be paid by party applying for it."

The question on agreeing to the amendment being put, was determined in the negative—ayes 5, noes 23.

On motion of Mr. Taylor of Loudoun, the vote was recorded as follows:

Ayes—Messrs. Anderson of Rockbridge, Herndon, Kirkpatrick, Pridemore, and Taylor of Loudoun—5.

Noes—Messrs. Boykin, Cochran, Fitzpatrick, French, Graham, Greene, Grimsley, Holladay, Johnson, Lackland, Lewis, Martin, Massey, Meem, Norton, Nutting, Perrin, Rixey, Roller, Rue, Terry, Thomas, and Ward—23.

The question on ordering the ryder to its engrossment and third reading being put, was determined in the affirmative—ayes 19, noes 12.

On motion of Mr. Quesenberry, the vote was recorded as follows:

Ayes—Messrs. Boykin, Fitzpatrick, Greene, Greever, Herndon, Johnson, Kirkpatrick, Lackland, Lewis, Martin, Meem, Norton, Penn, Perrin, Rue, Taylor of Loudoun, Taylor of Norfolk city, Terry, and Thomas—19.

Noes—Messrs. Anderson of Rockbridge, Cochran, French, Grimsley, Holladay, Nutting, Pridemore, Quesenberry, Rixey, Roller, Stevens, and Ward—12.

The ryder being forthwith engrossed, was read the third time; and the question on the passage of the bill and ryder being put, was determined in the affirmative—ayes 27, noes 5.

On motion of Mr. Pridemore, the vote was recorded as follows:

Ayes—Messrs. Anderson of Rockbridge, Boykin, Cochran, Fitzpatrick, French, Graham, Greene, Grimsley, Holladay, Johnson, Lackland, Lewis, Martin, Meem, Norton, Nutting, Penn, Perrin, Quesenberry, Rixey, Robinson, Rue, Taylor of Loudoun, Taylor of Norfolk city, Terry, Thomas, and Ward—27.

Noes—Messrs. Herndon, Kirkpatrick, Pridemore, Roller, and Stevens—5.

The title of the bill was then agreed to.

Ordered, That the clerk inform the House of Delegates thereof and request their concurrence therein.

Mr. Greene moved to reconsider the vote by which the following bill was rejected:

No. 21, Senate bill to secure and provide for paying the railroad debts of counties, townships, cities, and towns in Virginia; and the question being put thereon, was determined in the affirmative—ayes 21, noes 4.

On motion of Mr. Penn, the vote was recored as follows;

Ayes—Messrs. Anderson of Rockbridge, Cochran, French, Graham, Greene, Greever, Johnson, Lackland, Lathrop, Norton, Nutting, Penn, Pridemore, Quesenberry, Rixey, Robinson, Roller, Rue, Taylor of Loudoun, Thomas and Ward—21.

Noes—Messrs. Herndon, Kirkpatrick, Meem, and Taylor of Norfolk city—4.

On motion of Mr. Greene, the vote by which the bill was ordered to its engrossment and third reading was reconsidered—when,

On his further motion, the bill was amended by inserting after the word “valuation,” in the 14th line of 1st section, the words “except such increased valuation as may be produced by the discovery or working of any mine or mines, or by any other extraordinary increase of valuation; the relative increase to be determined by the Board of Public Works.”

Mr. Kirkpatrick moved further to amend the bill by striking out in the 5th line of 1st section the words “that shall be completed after the passage of this act;” and the question being put thereon, was determined in the affirmative, on division—ayes 15, noes 8.

The question being on ordering the bill as amended to its engrossment and third reading,

Mr. Graham demanded the pending question; and the question “Shall the pending question be now put?” being put, was determined in the negative.

The question on ordering the bill to its engrossment and third reading being put, was determined in the affirmative—ayes 19, noes 12.

On motion of Mr. Penn, the vote was recorded as follows:

Ayes—Messrs. Anderson of Rockbridge, Cochran, French, Graham, Greene, Greever, Johnson, Lackland, Lathrop, Massey, Norton, Nutting, Penn, Pridemore, Robinson, Roller, Rue, Smith, and Ward—19.

Noes—Messrs. Boykin, Fitzpatrick, Grimsley, Herndon, Kirkpatrick, Lewis, Martin, Meem, Perrin, Quesenberry, Taylor of Norfolk city, and Terry—12.

The bill being forthwith engrossed, Mr. Penn made an unsuccessful motion that it have its third reading to-day.

Mr. Cochran presented a petition of the citizens of Augusta county praying the General Assembly not to repeal the existing laws of the Commonwealth in regard to the inspection of flour; which, on his motion, was referred to the committee on general laws.

No. 167, Senate bill directing the Board of Public Works to sell the State's interest in the Richmond, Fredericksburg and Potomac Railroad Company, was taken up, on motion of Mr. Quesenberry; and the question on the passage of the bill being put, was determined in the affirmative—*ayes 23, noes 8.*

The vote was recorded as follows:

Ayes—Messrs. Anderson of Pittsylvania, Anderson of Rockbridge, Boykin, Cochran, Fitzpatrick, Greene, Grimsley, Herndon, Holladay, Johnson, Kirkpatrick, Lackland Lewis, Meem, Penn, Perrin, Quesenberry, Roller, Smith, Taylor of Norfolk city, Terry, Thomas, and Ward—23.

Noes—Messrs. French, Lathrop, Martin, Norton, Nutting, Pridemore, Robinson, and Stevens—8.

The title of the bill was then agreed to.

On motion of Mr. Quesenberry, it was

Ordered, That he inform the House of Delegates of the passage of the bill and request their concurrence therein.

No. 165, Senate bill to provide a new charter for the city of Portsmouth, was taken up, read the third time and passed with its title.

Ordered, That the clerk inform the House of Delegates thereof and request their concurrence therein.

Mr. Graham moved to reconsider the vote by which Senate bill, No. 16, in relation to the lease of the penitentiary, was ordered to its engrossment and third reading; and the question being put thereon, was determined in the affirmative—*ayes 21, noes 13.*

On motion of Mr. Quesenberry, the vote was recorded as follows:

Ayes—Messrs. Connally, French, Graham, Greene, Grimsley, Holladay, Johnson, Lackland, Lathrop, Lewis, Martin, Norton, Nutting, Perrin, Pridemore, Rixey, Taylor of Loudoun, Taylor of Norfolk city, Terry, Thomas, and Ward—21.

Noes—Messrs. Anderson of Pittsylvania, Anderson of Rockbridge, Boykin, Fitzpatrick, Greever, Kirkpatrick, Meem, Penn, Quesenberry, Robinson, Rue, Smith, and Stevens—13.

Mr. Holladay moved to amend the bill by inserting after the word “lease,” in 3rd line of 2nd section, the words “and removal.”

Mr. Fitzpatrick offered as a substitute for the amendment to insert after word “lease,” in 3rd line, 2nd section, the words “or lease and removal.”

The question being on agreeing to the substitute for the amendment,

On motion of Mr. Johnson, the Senate adjourned until to-morrow, twelve o'clock.

FRIDAY, FEBRUARY 14, 1873.

Prayer by Rev. Dr. Woodbridge.

A communication from the House of Delegates, by their clerk, was read as follows:

In House of Delegates, February 13, 1873.

The House of Delegates have passed House bill entitled an act for the relief of Edgar Allan of Farmville, Prince Edward county, No. 191; and have passed Senate bill entitled an act to repeal chapter 256 of the Acts of 1870-71, entitled an act to amend and re-enact sections 6, 8, 14, and 15, and to repeal sections 7, 16, 17, and 18 of chapter 150 of the Code of Virginia (edition of 1860), concerning warrants for small claims, and to revive, amend and re-enact sections 6, 7, 8, 14, 15, 16, 17, and 18 of chapter 150 of the Code of Virginia, No. 70, with amendments; in which they respectfully request the concurrence of the Senate.

No. 191, House bill entitled an act for the relief of Edgar Allan of Farmville, Prince Edward county, was read the first and second times, and referred to the committee on general laws.

No. 70, Senate bill entitled an act to repeal chapter 256 of the Acts of 1870-71, entitled an act to amend and re-enact sections 6, 8, 14, and 15, and to repeal sections 7, 16, 17, and 18 of chapter 150 of the Code of Virginia (edition of 1860), concerning warrants for small claims, and to revive, amend, and re-enact sections 6, 7, 8, 14, 15, 16, 17, and 18 of chapter 150 of the Code of Virginia, with the amendments proposed by the House of Delegates, was taken up, and, on motion of Mr. Taylor of Loudoun, was referred to the committee for courts of justice.

Mr. Fitzpatrick, from the committee on general laws, reported without amendment,

No. 208, Senate bill to authorize the trustees of Hamilton Lodge, No. 37, Ancient, Free and Accepted Masons to borrow money for the purpose of erecting a masonic hall.

He, from the same committee, reported without amendment,

No. 203, Senate bill to incorporate the trustees of the Presbyterian Committee of Publication.

He, from the same committee, reported without amendment,

No. 202, Senate bill to amend and re-enact sections 5 and 10 of an act passed January 20th, 1866, entitled an act to incorporate the Johnson Insurance Company of Danville, Virginia.

He, from the same committee, reported without amendment.

No. 207, Senate bill to incorporate the Old Dominion Cheese and Butter Company.

And he, from the same committee, reported with an amendment,

No. 111, House bill entitled an act to annex a portion of the territory of the county of Franklin to the county of Floyd.

Mr. Anderson of Rockbridge, from the committee on public institutions, presented

No. 209, A bill supplemental to an act to appropriate the income arising from the proceeds of the land scrip accruing to Virginia under act of Congress of July 2nd, 1862, and acts amendatory thereof, approved March 19th, 1872; which, on his motion, was read the first, and ordered to be read a second time.

And he, from the same committee, presented

No. 210, A bill to amend the act in force February 7th, 1872, in relation to the investments of the proceeds arising from the sale of the land scrip donated by Congress to Virginia.

Mr. Penn, by leave, presented

No. 211, Senate bill to regulate and define the jurisdiction of the county and circuit courts to prescribe the number of terms of the circuit courts, and to fix the pay of county judges; which, on his motion, was read the first, and ordered to be read a second time; and, on his further motion, the bill was laid on the table and made the order of the day for Tuesday next, at one o'clock, and for each day thereafter until disposed of.

Mr. Quesenberry, moved to take up

No. 151, Senate bill to incorporate the United States Gold and Silver Amalgamating Company of Virginia; and the question being put thereon, was determined in the affirmative, on division—ayes 14, noes 11.

The bill was then read the second, and ordered to be engrossed and read a third time.

Mr. Pridemore, by leave, presented

—No. 212, A bill to incorporate the Powell's River Navigation Company, and to prescribe the duties thereof; which, on his motion, was read the first, and ordered to be read a second time, and referred to the committee on roads and internal navigation.

Mr. French, by leave, submitted a substitute for Senate bill No. 211, to regulate and define the jurisdiction of the county and circuit courts, to prescribe the number of terms of the circuit courts, and to fix the pay of county judges; which, on his motion, was ordered to be printed.

No. 124, Senate bill to prevent the seduction of females, and amending and re-enacting the 16th section of chapter 191, in reference to the abduction of females, was taken up, on motion of Mr. Thomas, and the question on the passage thereof being put, was determined in the affirmative.

The title was then agreed to.

Ordered, That the clerk inform the House of Delegates thereof and request their concurrence therein.

Mr. Fitzpatrick, by leave, presented

No. 213, A bill to provide for the payment of interest on the public debt; which, on his motion, was read the first, and ordered to be read a second time, and referred to the committee on finance.

Mr. Thomas, by leave, presented

No. 214, A bill to provide for the payment of interest upon the public debt; which, on his motion, was read the first, and ordered to be read a second time, and referred to the committee on finance.

No. 63, House bill entitled an act to amend and re-enact sections 63,

and 77 of an act entitled an act to amend and re-enact an act prescribing the duties and compensation of certain township officers, approved July 11th, 1870, and acts amendatory thereof, approved March 17th, 1872, was taken up, on motion of Mr. Ward.

On motion of Mr. Thomas, the vote by which the bill was ordered to its third reading was reconsidered; and, on his further motion, the bill was amended by adding at the end of the 77th amended section the words "and further, the powers, duties, liabilities, and compensation of township collectors after the 1st day of July, 1872, shall be the same as now required by law of constables in the execution of any civil process, warrant for small claims, or any other process or order in such townships of the several counties in which there may be no constables; but the township collector shall not perform the duties now required of constables, which pertain to the preservation of the peace, warrants in criminal cases, search warrants, and arrests of criminals."

The question on ordering the bill as amended to its third reading being put, was determined in the affirmative—ayes 26, noes 6.

On motion of Mr. Quesenberry, the vote was recorded as follows:

Ayes—Messrs. Boykin, Cochran, Fitzpatrick, Greene, Greever, Holladay, Hundley, Johnson, Kirkpatrick, Lackland, Lewis, Martin, Meem, Nowlin, Penn, Perrin, Quesenberry, Rixey, Robinson, Rue, Smith, Stevens, Taylor of Loudoun, Terry, Thomas, and Ward—26.

Noes—Messrs. Anderson of Rockbridge, French, Grimsley, Massey, Norton, and Pridemore—6.

The bill was then read the third time and passed with its title.

On motion of Mr. Ward, it was

Ordered, That he inform the House of Delegates thereof and request their concurrence in the amendment.

No. 118, House bill entitled an act refunding tax erroneously assessed on the Union Lead Mine Company, was taken up on motion of Mr. Nowlin.

The pending question being on agreeing to the amendment hereto offered by Mr. Kirkpatrick, "to strike out so much of the bill as provides for refunding taxes paid prior to 1867."

Mr. Fitzpatrick moved to amend the amendment by striking out "1867," and inserting in lieu thereof "1865," which amendment was accepted by Mr. Kirkpatrick; and the question on agreeing to the amendment as modified being put, was determined in the negative—ayes 10, noes 20.

On motion of Mr. Kirkpatrick, the vote was recorded as follows:

Ayes—Messrs. Anderson of Rockbridge, Boykin, Fitzpatrick, Hundley, Johnson, Kirkpatrick, Lackland, Robinson, Smith, and Taylor of Loudoun—10.

Noes—Messrs. Anderson of Pittsylvania, Cochran, French, Greene, Greever, Holladay, Lewis, Martin, Massey, Norton, Nowlin, Nutting, Penn, Pridemore, Quesenberry, Rixey, Rue, Stevens, Thomas, and Ward—20.

Mr. Taylor of Loudoun made an unsuccessful motion to amend the bill by adding at the end of the 1st section the following proviso:

"Provided, that only two-thirds of the said amount shall be paid by this State."

The bill was then read the third time, and the question on the passage thereto being put, was determined in the affirmative—ayes 26, noes 8.

The vote was recorded as follows:

Ayes—Messrs. Anderson of Pittsylvania, Anderson of Rockbridge, Cochran, Connally, French, Graham, Greene, Greever, Holladay, Hundley, Lewis, Martin, Massey, Norton, Nowlin, Nutting, Penn, Perrin, Pridemore, Quesenberry, Rixey, Rue, Smith, Taylor of Norfolk city, Thomas, and Ward—26.

Noes—Messrs. Johnson, Kirkpatrick, Lackland, Meem, Robinson, Stevens, Taylor of Loudoun, and Terry—8.

The title of the bill was then agreed to.

Ordered, That the clerk inform the House of Delegates thereof.

No. 16, Senate bill in relation to the lease of the penitentiary, being the unfinished business of yesterday, was taken up, and the pending question being on agreeing to the substitute proposed by Mr. Fitzpatrick for the amendment of Mr. Holladay, was put, and determined in the affirmative; and the amendment as amended was then agreed to.

Mr. Taylor of Norfolk city, moved further to amend the bill by adding at the end of the 2nd section the words "provided, that should the said commissioners lease the said penitentiary without requiring its removal, then, in their said lease, they shall reserve on the part of the State the right at any time to contract for the removal of said penitentiary."

The question on agreeing to the amendment being put, was determined in the affirmative, on division—ayes 19, noes 7.

Mr. Cochran moved further to amend the bill by inserting after the word "expenses," in the 12th line of 3rd section, the words "necessary expenses for transportation of convicts, including allowance to guard to and from the penitentiary."

The question on agreeing to the amendment being put, was determined in the negative—ayes 15, noes 18.

On motion of Mr. Taylor of Loudoun, the vote was recorded as follows:

Ayes—Messrs. Anderson of Rockbridge, Cochran, Grimsley, Holladay, Kirkpatrick, Lackland, Lewis, Pridemore, Robinson, Rue, Smith, Taylor of Loudoun, Terry, Thomas, and Ward—15.

Noes—Messrs. Anderson of Pittsylvania, Boykin, Fitzpatrick, Graham, Greene, Greever, Hundley, Johnson, Martin, Massey, Meem, Nowlin, Nutting, Penn, Perrin, Quesenberry, Rixey, and Taylor of Norfolk city—18.

Mr. Connally made a motion to amend the bill by inserting after the word "removal," in the 5th line of 3rd section, the words "provided, that upon removal it shall not be located within five miles of any water course from which a city or cities derive their water."

Whereupon, he sent to the clerk a printed paper with the request that it be read, containing the resolutions of the Council of the city of Richmond, accompanied by communications from Dr. W. H. Taylor and the

Board of Health of said city, in relation to the effect of the location of the penitentiary at Bellona Arsenal upon the health of the inhabitants of that city.

Objection to the reading of said paper being made, the question on granting leave therefor was put, and determined in the negative.

The question was then put on agreeing to the amendment proposed by Mr. Connally, and was determined in the negative.

On motion of Mr. Grimsley, the bill was further amended by adding at the end of the 7th clause of 3rd section the words "and the Board of Public Works, or any officer of the State, at the instance of the General Assembly, may, at any time, require of the lessees a renewal of said bond; and upon their failure so to do, the State shall assume control of the institution as though no contract for lease had been entered into."

On motion of Mr. Grimsley, the bill was further amended by inserting after the word "Assembly," in the 77th line of 3rd section, the words "and in the event of the escape of any of the convicts by the negligence of the lessees, or of any of their agents or employees, the State shall be entitled to sue and recover on the bond required to be executed under this act the sum of two hundred dollars for every such convict so making his escape."

Mr. Holladay made an unsuccessful motion to amend the 3rd section by striking out the word "operation," in the 5th line, and inserting in lieu thereof the word "removal."

Mr. Holladay made an unsuccessful motion to amend the 3rd section by striking out all of the 5th clause to the word "miles," in 55th line, and inserting in lieu thereof the words "in the removal of the penitentiary the commissioners are hereby authorized and instructed to select a site within the State and within three."

On motion of Mr. Cochran, the bill was further amended by adding at the end of the first clause of 3rd section the following proviso:

"Provided, that any money due the Commonwealth on account of any contract made by said commissioners for the lease of the penitentiary shall be paid into the treasury in bankable currency."

The question being on ordering the bill as amended to its engrossment and third reading,

Mr. Greever demanded the pending question, which was ordered; and being put, was determined in the affirmative—ayes 23, noes 10.

On motion of Mr. Connally, the vote was recorded as follows:

Ayes—Messrs. Anderson of Pittsylvania, Anderson of Rockbridge, Boykin, Fitzpatrick, French, Graham, Greene, Greever, Hundley, Johnson, Kirkpatrick, Lackland, Martin, Meem, Nowlin, Penn, Perrin, Queenberry, Rixey, Smith, Taylor of Norfolk city, Thomas, and Ward—23.

Noes—Messrs. Connally, Grimsley, Holladay, Lewis, Norton, Pridermore, Robinson, Rue, Taylor of Loudoun, and Terry—10.

No. 94, House bill entitled an act to amend and re-enact section 12, chapter 170 of the Code, as amended by the act passed January 8th, 1867, was taken up, read the third time and passed.

The amendment of the committee for courts of justice to the title was agreed to, and the title as amended was agreed to as follows:

"An act to amend and re-enact section 12, chapter 170 of the Code, in relation to the time when a case may be tried after order of publication."

Ordered, That the clerk inform the House of Delegates of the passage of the bill and request their concurrence in the amendment to the title.

Mr. Thomas, from the committee on finance, presented the following bill:

No. 215, A bill imposing taxes for the support of government and free schools, and to pay the interest on the public debt; which, on his motion, was taken up, read the first, and ordered to be read a second time.

Mr. Thomas offered the following joint resolution, which lies over under the rules:

Resolved (the House of Delegates concurring), That the Governor be requested to make application to the State Department of the federal government for the return of the original draft of the Ordinance of Secession adopted by the Virginia Convention in April, 1861, now on file in that department, in order that it may be preserved in the Virginia State Library as part of the official history of the State.

No. 111, House bill entitled an act to annex a portion of the territory of the county of Franklin to the county of Floyd, was taken up, and the question on agreeing to the amendment proposed by the committee on general laws, was put and determined in the negative.

The bill was then read the third time and passed with its title.

Ordered, That the clerk inform the House of Delegates thereof.

On motion of Mr. Martin, the Senate adjourned until to-morrow, twelve o'clock.

SATURDAY, FEBRUARY 15, 1873.

Prayer by Rev. Dr. Woodbridge.

Mr. Nowlin, from the committee for courts of justice, reported without amendment,

No. 96, House bill entitled an act to repeal an act to amend and re-enact sections 6, 8, 14, and 15, and to repeal sections 7, 16, 17, and 18 of chapter 150 of the Code of Virginia (edition of 1860), concerning warrants for small claims, approved March 29th, 1871, and to re-enact sections 6, 7, 8, 14, 15, 16, 17, and 18 of the said chapter of the Code.

Mr. Thomas, from the committee on finance, reported with amendments,

No. 52, House bill entitled and act for the preservation of oysters, and to obtain revenue for the privilege of taking them within the waters of the Commonwealth.

And he, from the same committee, reported with the recommendation that it do not pass,

No. 145, Senate bill for the relief of Perry Jefferson, administrator of John M. Seely, deceased.

On motion of Mr. Nowlin,

Resolved, That the committee for courts of justice enquire into the expediency of providing by law for the more effectual protection of land-owners from depredations committed by persons riding through their farms, pulling down fences, taking fruit, &c.

Mr. Lackland presented the proceedings of the Town Council of Finchale relative to an amendment of the charter of said town; which, on his motion, was referred to the committee on general laws.

On motion of Mr. Thomas, the joint resolution requesting the Governor to make application to the federal authorities for the return of the Ordinance of Secession, was taken up and agreed to.

Ordered, That the clerk inform the House of Delegates thereof and request their concurrence therein.

Mr. Nowlin offered the following joint resolution, which lies over under the rules:

Resolved by the Senate (the House of Delegates concurring), That this General Assembly will consider no bill for the incorporation of a railroad company, or amending the charter of a railroad company, until the assessment bill, the tax bill, the bill imposing taxes on oysters, and a bill for the payment of interest on the public debt shall have first been considered and disposed of.

Mr. Nowlin made an unsuccessful motion to suspend the rules for the purpose of considering the resolution to-day.

Mr. Taylor of Norfolk city, from the committee on roads and internal navigation, presented

No. 216, A bill to authorize the Board of Public Works to sell the State's interest in the Upper Appomattox Company; which, on his motion, was read the first, and ordered to be read a second time.

No. 21, Senate bill to secure and provide for paying the railroad debts of counties, townships, cities, and towns in Virginia, was taken up, read the third time, and the question being on the passage of the bill,

Mr. Greever demanded the pending question, which was ordered; and being put, resulted—aye 16, noes 13.

On motion of Mr. Fitzpatrick, the vote was recorded as follows:

Ayes—Messrs. Anderson of Rockbridge, Beazley, French, Graham, Greene, Greever, Holladay, Johnson, Lathrop, Massey, Norton, Nowlin, Nutting, Penn, Rue, and Ward—16.

Noes—Messrs. Boykin, Fitzpatrick, Grimsley, Hundley, Kirkpatrick, Lewis, Martin, Perrin, Quesenberry, Rixey, Taylor of Loudoun, Taylor of Norfolk city, and Terry—13.

The Chair decided that the bill required a constitutional majority, and was therefore rejected. Thereupon,

On motion of Mr. Taylor of Loudoun, the vote by which the bill was rejected was reconsidered. And,

On motion of Mr. Penn, the bill was laid on the table and made the order of the day for Wednesday next.

No. 151, Senate bill to incorporate the United States Gold and Silver

Amalgamating Company of Virginia, was taken up, read the third time and passed with its title.

Ordered, That the clerk inform the House of Delegates thereof and request their concurrence therein.

No. 16, Senate bill in relation to the lease of the penitentiary, was taken up, read the third time, and the question being on the passage of the bill,

Mr. Penn demanded the pending question, which was ordered; and being put, was determined in the affirmative—ayes 25, noes 5.

The vote was recorded as follows:

Ayes—Messrs. Anderson of Rockbridge, Beazley, Boykin, Fitzpatrick, Greene, Greever, Holladay, Hundley, Johnson, Kirkpatrick, Lackland, Lathrop, Lewis, Martin, Massey, Nowlin, Nutting, Penn, Perrin, Quesenberry, Rixey, Smith, Taylor of Norfolk city, Terry, and Ward—25.

Noes—Messrs. Connally, Grimsley, Norton, Pridemore, and Taylor of Loudoun—5.

The title of the bill was then agreed to.

On motion of Mr. Greever, it was

Ordered, That he inform the House of Delegates thereof and request their concurrence therein.

No. 112, Senate bill requiring the treasurer of the Joint Ferry Committee of Norfolk county and the city of Portsmouth to report, was taken up, on motion of Mr. Rue, and the pending question being on agreeing to the substitute therefor proposed by the committee on general laws,

Mr. Rue moved to amend the same—pending which,

On motion of Mr. Taylor of Norfolk city, the bill was laid on the table. Subsequently,

On motion of Mr. Rue, the bill was taken up, when, by general consent, he withdrew his amendment to the substitute; and the question recurring on agreeing to the substitute, and being put, was determined in the affirmative; and the bill as amended was ordered to be engrossed and read a third time.

No. 23, House bill entitled an act for the relief of George W. Wright, assessor of the township of Taylor, county of Orange, was taken up, on motion of Mr. Grimsley, read the third time, and the question being on the passage of the bill,

Mr. Greene demanded the pending question, which was ordered; and being put, was determined (for want of a constitutional majority) in the negative—ayes 15, noes 10.

The vote was recorded as follows:

Ayes—Messrs. Beazley, Cochran, French, Graham, Greene, Grimsley, Holladay, Massey, Norton, Nutting, Pridemore, Rixey, Rue, Taylor of Loudoun, and Ward—15.

Noes—Messrs. Fitzpatrick, Greever, Hundley, Johnson, Kirkpatrick, Lackland, Penn, Quesenberry, Smith, and Terry—10.

On motion of Mr. Quesenberry, the vote by which the bill was rejected was reconsidered; and,

On motion of Mr. Grimsley, the bill was laid on the table.

No. 51, Senate bill to amend and re-enact section 24 of the act approved May 11th, 1870, entitled an act to provide for a general election, was taken up, on motion of Mr. Greene, and ordered to be engrossed and read a third time.

The following bills were taken up, read the second, and ordered to be engrossed and read a third time:

No. 176, Senate bill to amend and re-enact section 1 of chapter 15 of the Code, as amended and re-enacted by an act approved November 1st, 1870, in relation to the times of meeting of the General Assembly.

No. 171, Senate bill declaring a portion of Smith's creek and Cohoon's creek a lawful fence.

No. 156, Senate bill to authorize the Roanoke Valley Railroad Company to construct a wagon-way across their bridge at Clarkesville.

No. 185, Senate bill authorizing the Governor to appoint a State assayer and chemist.

No. 138, Senate bill to amend and re-enact section 1, chapter 125, Code of Virginia (1860), as to maintenance of illegitimate children.

The following bills were read the second time, and ordered to be engrossed and read a third time:

No. 183, A bill to protect butter and cheese manufacturers.

No. 98, A bill to amend and re-enact chapter 122 of the Acts of 1871-2, in relation to the relief of the sureties of William Sample, late sheriff of Russell county.

No. 166, A bill for the relief of Sarah F. Gayle of the city of Norfolk.

No. 174, A bill to incorporate the Masonic Relief Association of the city of Norfolk.

No. 173, A bill to prevent forced sales of personal property.

No. 159, Senate bill providing how liens upon real estate may be discharged, was taken up, read the second time, and, on motion of Mr. Fitzpatrick, laid on the table.

No. 131, Senate bill to establish a Bureau of Insurance, was taken up, read the second time, and, on motion of Mr. Taylor of Norfolk city, laid on the table. Subsequently,

On motion of Mr. Fitzpatrick, the bill was taken up, and having been amended,

On motions of Messrs. Fitzpatrick and Kirkpatrick, was ordered to be engrossed and read a third time.

No. 143, Senate bill providing for the repeal of all laws which allow the punishment of citizens of this Commonwealth by stripes, was taken up, read the second time, and the question on ordering the bill to its engrossment and third reading being being put, was determined in the negative. Therefore,

Resolved, That it be rejected.

No. 177, Senate bill to amend and re-enact section 38 of chapter 101 of the Code of 1860, in relation to taking clams in certain waters of this State, was taken up, read the second time, and the amendments pro-

posed by the committee on general laws were agreed to; and the bill as amended was ordered to be engrossed and read a third time.

No. 187, Senate bill for the relief of Walter T. Hanes, A. C. Green, and others, was taken up, read the second time, and the substitute proposed by the committee on finance was agreed to; and the bill as amended was ordered to be engrossed and read a third time.

No. 194, Senate bill to incorporate Lockwood Union, was taken up, read the second time, and the amendments proposed by the committee on general laws were agreed to—when,

On motion of Mr. Taylor of Norfolk city, the bill was laid on the table.

No. 192, Senate bill for the relief of Henry Gresham of Essex county, Virginia, was taken up, read the second time, and the amendments proposed by the committee on finance were agreed to; and the bill as amended was ordered to be engrossed and read a third time.

No. 203, Senate bill to incorporate the trustees of the Presbyterian Committee of Publication, was taken up, on motion of Mr. Kirkpatrick, read the second, and ordered to be engrossed and read a third time.

On motion of Mr. Ward, the joint resolutions to authorize the Board of Public Works to receive the amount due by the Alexandria, Loudoun and Hampshire Railroad Company, and to extend the time for the completion of the Washington and Ohio Railroad to the town of Winchester, were taken up—when

Mr. Ward proposed to amend the 2nd resolution by adding at the end thereof the words "provided, if the said road shall not be completed to Winchester within the said three years, that the State does not hereby in anywise impair her right to resume at said time the complete ownership of the stock of the State in said railroad company as provided in the deed of trust above referred to." Thereupon,

Mr. Taylor of Loudoun moved that the resolutions be laid on the table—pending which,

On motion of Mr. Connally, the Senate adjourned until Monday, twelve o'clock.

MONDAY, FEBRUARY 17, 1873.

Mr. Quesenberry in the chair.

A communication from the House of Delegates, by their clerk, was read as follows:

In House of Delegates, February 15, 1873.

The House of Delegates have agreed to the amendment of the Senate to House bill entitled an act to authorize James Duncan and others to erect a pier-head in Ware river, in the county of Gloucester, No. 192.

Mr. Fitzpatrick, from the committee on general laws, reported with amendment,

No. 67, House bill entitled an act to incorporate the Virginia Coal

Company, which was subsequently taken up, and the amendments were agreed to; and the bill as amended was read the third time and passed with its title.

Ordered, That the clerk inform the House of Delegates thereof and request their concurrence in the amendments.

Mr. Fitzpatrick, by leave, presented

No. 217, A bill to fix the pay and mileage of the members of the General Assembly; which, on his motion was read the first, and ordered to be read a second time, and referred to the committee on finance.

Senate joint resolutions to authorize the Board of Public Works to receive the amount due by the Alexandria, Loudoun and Hampshire Railroad Company, and to extend the time for the completion of the Washington and Ohio Railroad to the town of Winchester, being the unfinished business of Saturday, was taken up, and the pending question to lay the resolutions on the table was put, and determined in the affirmative.

A message from the Governor, by his Secretary, Col. Owens, was received and read.

On motion of Mr. Penn, the message was laid on the table, and the usual number of copies ordered to be printed for the use of the Senate. (Doc. No. 16.)

No. 89, Senate bill to amend section 81 of an act approved March 19th, 1872, entitled an act to amend and re-enact an act prescribing the duties and compensation of certain township officers, approved July 11th, 1870, and acts amendatory thereof, was taken up, on motion of Mr. Taylor of Loudoun, and ordered to be engrossed and read a third time.

No. 112, Senate bill requiring the treasurer of the Joint Ferry Committee of Norfolk county and the city of Portsmouth to report, was taken up, read the third time and passed.

The title of the bill was then amended as proposed by the committee on general laws, and agreed to in these words:

"An act requiring the joint committee for the Norfolk county ferries to report and make annual settlements."

Ordered, That the clerk inform the House of Delegates thereof and request their concurrence therein.

No. 51, Senate bill to amend and re-enact section 24 of the act approved May 11th, 1870, entitled an act to provide for a general election, was taken up, read the third time and passed with its title.

Ordered, That the clerk inform the House of Delegates thereof and request their concurrence therein.

No. 176, Senate bill to amend and re-enact section 1 of chapter 15 of the Code, as amended and re-enacted by an act approved November 1st, 1870, in relation to the times of meeting of the General Assembly, was taken up, and read the third time—when

Mr. Lackland moved to lay the bill on the table; and the question being put thereon, was determined in the affirmative—ayes 12, noes 10.

On motion of Mr. Taylor of Loudoun, the vote was recorded as follows:

Ayes—Messrs. French, Hundley, Johnson, Kirkpatrick, Lackland,

Martin, Penn, Rixey, Stevens, Taylor of Norfolk city, Ward, and Wynne—12.

Noes—Messrs. Anderson of Rockbridge, Beazley, Fitzpatrick, Graham, Greene, Norton, Nowlin, Pridemore, Quesenberry, Taylor of Loudoun—10.

No. 171, Senate bill declaring a portion of Smith's creek and Cohoon's creek a lawful fence, was taken up, read the third time and passed with its title.

Ordered, That the clerk inform the House of Delegates thereof and request their concurrence therein.

No. 156, Senate bill to authorize the Roanoke Valley Railroad Company to construct a wagon-way across their bridge at Clarkesville, was taken up, and read the third time—when,

On motion of Mr. Taylor of Norfolk city, the vote ordering the bill to its third reading was reconsidered; and, on his further motion, the bill was recommitted to the committee on roads and internal navigation.

The following bills were taken up, read the third time and passed with their titles:

No. 185, Senate bill authorizing the Governor to appoint a State assayer and chemist.

No. 138, Senate bill to amend and re-enact section 1, chapter 125, Code of Virginia (1860), as to maintenance of illegitimate children.

No. 177, Senate bill to amend and re-enact section 38 of chapter 101 of the Code of 1860, in relation to taking clams in certain waters of this State.

No. 183, Senate bill to protect butter and cheese manufacturers.

No. 174, Senate bill to incorporate the Masonic Relief Association of the city of Norfolk. And

No. 203, Senate bill to incorporate the trustees of the Presbyterian Committee of Publication.

Ordered, That the clerk inform the House of Delegates of the passage of the six preceding bills and request their concurrence therein.

No. 98, Senate bill to amend and re-enact chapter 122 of the Acts of 1871-72, in relation to the relief of the sureties of William Sample, late sheriff of Russell county, was taken up, read the third time, and, on motion of Mr. Taylor of Loudoun, was laid on the table.

No. 166, Senate bill for the relief of Sarah F. Gayle of the city of Norfolk, was taken up, read the third time, and, on motion of Mr. Nowlin, was laid on the table.

No. 187, Senate bill for the relief of Walter T. Hanes, A. C. Green, and others, was taken up, read the third time, and, on motion of Mr. Taylor of Loudoun, was laid on the table.

No. 192, Senate bill for the relief of Henry Gresham of Essex county, Va., was taken up, read the third time, and, on motion of Mr. Nowlin, was laid on the table.

No. 173, Senate bill to prevent forced sales of personal property, was taken up, read the third time, and, on motion of Mr. Kirkpatrick, was laid on the table.

No. 96, House bill entitled an act to repeal an act to amend and re-enact sections 6, 8, 14, and 15, and to repeal sections 7, 16, 17, and 18 of chapter 150 of the Code of Virginia (edition of 1860), concerning warrants for small claims, approved March 29th, 1871, and to re-enact sections 6, 7, 8, 14, 15, 16, 17, and 18 of the said chapter of the Code, was taken up, read the third time and passed with its title.

Ordered, That the clerk inform the House of Delegates thereof.

No. 52, House bill entitled an act for the preservation of oysters, and to obtain revenue for the privilege of taking them within the waters of the Commonwealth, was taken up, and, on motion of Mr. Nowlin, laid on the table and made the order of the day for Thursday next, at one o'clock.

No. 131, Senate bill to establish a Bureau of Insurance, was taken up, read the third time, and, on motion of Mr. Kirkpatrick, laid on the table.

The following bills were taken up, read the second, and ordered to be engrossed and read a third time:

No. 189, Senate bill to provide for the valuation of life insurance policies.

No. 146, Senate bill to repeal an act passed February 8th, 1865, to amend and re-enact section 2 of chapter 169 of the Code of 1860, in relation to the county or corporation in which suits may be commenced.

No. 186, Senate bill to amend and re-enact section 2 of chapter 80 of the Code of 1860, in relation to funds from gifts, grants, devises, and bequests.

No. 202, Senate bill to amend and re-enact sections 5 and 10 of an act passed January 20th, 1866, entitled an act to incorporate the Johnston Insurance Company. And

No. 208, Senate bill to authorize the trustees of Hamilton Lodge, No. 37, Ancient Free and Accepted Masons to borrow money for the purpose of erecting a masonic hall.

No. 198, Senate bill to authorize the Fredericksburg, Orange and Charlottesville Railroad Company to extend its road to the Potomac river to make connection with the Chesapeake and Ohio Railroad, and to borrow money, was taken up, read the second time, and, on motion of Mr. Terry, recommitted to the committee on roads and internal navigation.

No. 199, Senate bill to amend and re-enact section 6 of an act entitled an act prescribing the duties and compensation of county officers, approved March 13th, 1872, was taken up, read the second time, and, on motion of Mr. Taylor of Loudoun, laid on the table.

No. 200, Senate bill to amend and re-enact section 39 of chapter 184 of the Code of 1860, as amended, concerning allowance of certain officers, was taken up, read the second, and ordered to be engrossed and read a third time—when,

On motion of Mr. Pridemore, the vote by which the bill was ordered to its engrossment and third reading was reconsidered; and

On motion of Mr. Taylor of Loudoun, the bill was laid on the table.

No. 201, Senate bill to amend and re-enact section 7 of chapter 165

of the Code of 1860, as amended, concerning compensation of Commonwealth's attorneys, was taken up, read the second time, and, on motion of Mr. Nowlin, laid on the table.

No. 184, Senate bill to amend and re-enact chapter 253, Acts of Assembly 1871-72, entitled an act to repeal section 1, and to amend and re-enact section 2 of chapter 174 of Code of Virginia, in relation to the removal of causes, and to revive sections 1 and 2 of chapter 174 of the Code of Virginia (edition of 1860), was taken up, read the second time, and the question on ordering the bill to its engrossment and third reading being put, was determined in the negative. Therefore,

Resolved, That it be rejected.

No. 180, Senate bill for the relief of the heir-at-law of Bennett Aldridge, deceased, was taken up, read the second time, and, on motion of Mr. Nowlin, laid on the table.

No. 145, Senate bill for the relief of Perry Jefferson, administrator of John M. Seely, deceased, was taken up, read the second time, and, on motion of Mr. Nowlin, laid on the table.

No. 209, Senate bill supplemental to an act to appropriate the income arising from the proceeds of the land scrip accruing to Virginia under act of Congress of July 2nd, 1862, and an act amendatory thereof, approved March 19th, 1872, was taken up, read the second, and ordered to be engrossed and read a third time.

No. 210, Senate bill to amend the act in force February 7th, 1872, in relation to the investment of the proceeds arising from the sale of the land scrip donated by Congress to Virginia, was taken up, read the second time, and having been amended on motion of Mr. Penn, was ordered to be engrossed and read a third time.

Mr. Greene, by leave, presented

No. 218, A bill to increase the capital stock of the Petersburg Gas Light Company; which, on his motion, was read the first, and ordered to be read a second time, and referred to the committee on general laws.

Mr. Penn, by leave, presented a substitute for

No. 21, Senate bill to secure and provide for paying the railroad debts of counties, townships, cities, and towns in Virginia; which, on his motion, was ordered to be printed.

No. 14, House bill entitled an act to repeal an act passed May 9th, 1852, entitled an act to provide for the election of certain officers of the city of Norfolk by the qualified voters thereof, was taken up, on motion of Mr. Taylor of Norfolk city, read the third time and passed with its title.

Ordered, That the clerk inform the House of Delegates thereof.

Mr. Penn offered the following preamble and joint resolutions, which lie over under the rules:

Whereas the Governor of Virginia has transmitted to the General Assembly his message recommending that measures be adopted to secure the assumption and payment by the United States government of all the existing legal indebtedness of all the States, and the adoption of an amendment to the Federal Constitution by the States inhibiting them from contracting debts except to meet casual deficits in the revenue to

redeem a previous liability of the State, to suppress insurrection, repel invasion, or defend the State in time of war; therefore,

Resolved by the Senate (the House of Delegates concurring), That the General Assembly of Virginia concurs in the recommendation of the Governor as wise, just, and expedient.

2. Resolved, That the Governor be requested to transmit copies of these resolutions, together with the message, to the General Assemblies of each of the States and request their concurrence therein, and that our Senators and Representatives in Congress should give the matter their earnest and careful attention.

On motion of Mr. Kirkpatrick,

Resolved, That the paper marked "C," referred to as an exhibit by the statement of the Virginia commissioners on the subject of the boundary between Maryland and Virginia, be printed in connection with said statement as a necessary part thereof.

A report of the committee on roads and internal navigation declaring it inexpedient to legislate on the subject of a resolution enquiring into the expediency of prohibiting by law the running of freight trains on Sunday, was taken up and concurred in.

A report of the committee for courts of justice declaring it inexpedient to legislate on the subject of a resolution enquiring into the expediency of so amending section 22 of chapter 85 of the Code of 1860, so as to require two justices of the peace instead of three to enquire and decide whether a person be a lunatic, was taken up and concurred in.

A report of the committee for courts of justice declaring it inexpedient to legislate upon the subject of a resolution enquiring into the expediency of so amending the Code as to grant the privilege of trial by jury in cases before a justice of the peace upon demand of a party to the action, was taken up and concurred in.

A report of the committee on finance declaring it inexpedient to legislate upon the subject of a resolution enquiring into the expediency of exempting from taxation in future all bonds or other securities taken for the loan of money upon real estate, was taken up and concurred in.

A report of the committee on general laws declaring no further legislation necessary upon the subject of a resolution enquiring into the expediency of amending the act of March 20th, 1872, relating to fences and the protection of crops, so as to modify the 5th section as to the portion of a county lying within the criminal jurisdiction of a city or town, was taken up, and, on motion of Mr Nowlin, laid on the table.

A report of the committee on general laws declaring no further legislation is necessary upon the subject of a resolution in relation to the expediency of making some provision to protect the citizens of the Commonwealth against vendors of fertilizers so-called, was taken up and concurred in.

A report from the committee on general laws asking to be discharged from the further consideration of a resolution on the subject of establishing a State board of insurance, and that the same be referred to the committee on finance, was taken up and concurred in.

A report from the committee on finance declaring it inexpedient to legislate on the subject of a resolution as to the expediency of amending the act making certain banks in the city of Richmond depositories of the public money, passed April 29th, 1857, so as to provide, if necessary, that said banks shall not pay the deposits due the State in coupons, was taken up and concurred in.

A report of the committee for courts of justice declaring it inexpedient to legislate on the subject of a resolution enquiring into the expediency of employing a reporter for the Senate, was taken up and concurred in.

A report of the committee on public institutions submitting a communication from the President of the Virginia Agricultural and Mechanical College in response to a resolution calling for certain information relative to that institution, was taken up and concurred in.

A report of the committee on finance declaring it inexpedient to legislate on the subject (the same being forbidden by the Constitution) of a resolution enquiring into the expediency of authorizing by law State lotteries to raise money for public free school purposes, and for the creation of a sinking fund for the payment of the public debt, was taken up and concurred in.

A report from the committee for courts of justice declaring it inexpedient to legislate upon the subject of a resolution as to amending the Code so as to allow to persons who have been tried and acquitted of a criminal offence a reasonable sum of money for expenses incurred in their defence, was taken up and concurred in.

A report from the committee on general laws declaring it inexpedient to grant the petition of School Board of Buckingham county asking that said county may be included in the list of counties in which dogs may be taxed for benefit of free schools, was taken up and concurred in.

A report of the committee for courts of justice declaring it unnecessary to legislate (because sufficiently provided for by laws now in force) on the subject of a resolution enquiring into the expediency of amending the law so as to require all bar-rooms and places for retailing ardent spirits to be closed on Sunday, was taken up and concurred in.

A report from the committee for courts of justice declaring it inexpedient to legislate on the subject of a resolution enquiring into the expediency of so amending the law as to extend the jurisdiction of justices of the peace to the sum of one hundred dollars, was taken up, and, on motion of Mr. Taylor of Loudoun, laid on the table.

A report of the committee for courts of justice declaring it inexpedient to legislate on the subject of a resolution enquiring what legislation is necessary to prevent any discrimination in the public privileges guaranteed under section 20, article 1 of the Constitution to citizens of this State on account of race or color, was taken up and concurred in.

A report of the committee on public institutions declaring it inexpedient to legislate in response to a petition of citizens of Fancy Gap township, in Carroll county, as the present law affords the relief sought

by authorizing a reduction of the minimum tax required by law for the continuance of a public school, was taken up and concurred in.

A report of the committee on public institutions declaring it inexpedient to legislate on the subject of a resolution as to the expediency of allowing appeals from district school boards in locating schools to the county board of school commissioners (the law already giving the right of appeal in such cases), was taken up and concurred in.

A report of the committee for courts of justice declaring it inexpedient to legislate on the subject of a petition of the Bar of Winchester praying the amendment of chapters 128 and 129 of the Code, so as to give county courts and corporation courts (except that of Winchester) concurrent jurisdiction with circuit courts of causes therein referred to, was taken up, and, on motion of Mr. Ward, laid on the table.

A report of the committee on county, city, and town organizations declaring it inexpedient to legislate upon the subject of a resolution enquiring into the expediency of so amending the law as to provide for the collection of road taxes by township collectors and allowing them reasonable compensation therefor, was taken up and concurred in.

A report of the committee on public institutions declaring it inexpedient to legislate on the subject of a resolution as to the expediency of so amending the public school law as to require the Second Auditor to pay to the treasurer of each county the county's share of public school funds on the 31st of August of each year, was taken up and concurred in.

A report from the committee on public institutions declaring it inexpedient to legislate on the subject of a resolution as to the expediency of providing a per diem compensation to school trustees, was taken up and concurred in.

A report of the committee on public institutions declaring it inexpedient to legislate (because already provided by law) on the subject of a resolution enquiring what legislation is necessary to secure more effectually the benefits of free school education to families of tax-payers, &c., in school districts sparsely populated, was taken up and concurred in.

A report from the committee on general laws declaring it inexpedient to grant the prayer of a petition of certain citizens of Fincastle for an amendment to their town charter, was taken up and concurred in.

A report from the committee for courts of justice declaring it unnecessary to legislate on the subject of a resolution enquiring what legislation is necessary to prevent the exclusion of colored men from jury service (as they are not excluded by law), was taken up and concurred in.

A report from the committee for courts of justice declaring it unnecessary to legislate on the subject of a petition in regard to colored men serving on juries (as they are not prohibited by law from serving on juries), was taken up and concurred in.

A report from the committee for courts of justice declaring it inexpedient to pass a general law making incurable insanity a cause for divorce, was taken up and concurred in.

A report from the committee for courts of justice declaring it inexpedient to legislate on the subject of a resolution enquiring into the expe-

dency of amending the act of 1866-67, providing for the exemption of property from execution, was taken up and concurred in.

On motion of Mr. Nowlin, the Senate adjourned until to-morrow, twelve o'clock.

TUESDAY, FEBRUARY 18, 1873.

Prayer by Rev. Dr. J. C. Granbery.

Mr. Fitzpatrick, from the committee on general laws, reported with substitute therefor,

No. 99, House bill entitled an act to declare James River and Towing Path opposite the Combined Lock a lawful fence in the county of Amherst; which was subsequently taken up and the substitute agreed to, and the bill as amended was read the third time and passed.

The title was then amended as proposed by the committee on general laws and agreed to in these words :

"An act to authorize the county court of Amherst county to declare James River, or the James River and Kanawha Canal, or any part of either, a lawful fence within the limits of said county."

And he, from the same committee, reported with amendments,

No. 85, House bill entitled act authorizing the formation of land associations; which was subsequently taken up and the amendments were agreed to; and the bill as amended was read the third time and passed with its title.

Ordered, That the clerk inform the House of Delegates of the passage of the two preceding bills and request their concurrence in the amendments.

Mr. Taylor of Norfolk city, from the committee on roads and internal navigation, reported with a substitute therefor,

No. 33, Senate bill to authorize the revocation of subscriptions to the Valley Railroad Company, and the transfer of the same on certain conditions; which was subsequently taken up, read the second time, and the substitute agreed to; and the bill as amended was ordered to be engrossed and read a third time.

Mr. Terry, by leave, presented

No. 219, A bill to amend and re-enact sections 17 and 20 of an act approved March 21st, 1871, entitled an act to amend and re-enact an act entitled an act to incorporate the town of Liberty, in the county of Bedford, and to add to said charter sections 24, 25, 26, 27, and 28; which, on his motion, was read the first, and ordered to be read a second time, and referred to the committee on general laws.

Mr. Cochran, by leave, presented

No. 220, A bill to provide for the payment of a claim due by the State to W. W. Newman for repairs done to the Staunton and Parkersburg Turnpike; which, on his motion, was read the first, and ordered to be read a second time, and referred to the committee on finance.

On motion of Mr. Stevens,

Resolved, That the committee on finance be requested to enquire and report upon the propriety of providing by law for the exemption of all the taxable property of all companies which may be incorporated under and by authority of the laws of this State for manufacturing purposes for such a limited period and under such restrictions as will tend to the enhancement of the material prosperity of the Commonwealth.

Mr. Lackland, by leave, presented

No. 221, A bill to amend and re-enact sections 5 and 13 of the act in force March 22nd, 1872, entitled an act to amend and re-enact certain acts in relation to the town of Fincastle, in the county of Botetourt, and to extend the corporate limits of said town; which, on his motion, was read the first, and ordered to be read a second time, and referred to the committee on general laws.

Mr. Fitzpatrick, by leave, presented

No. 222, A bill to amend and re-enact the 2nd and 3rd sections of an act approved March 30th, 1871, entitled an act to provide for the funding and payment of the public debt; which, on his motion, was read the first, and ordered to be read a second time, and referred to the committee on finance.

Mr. Lackland, by leave, presented

No. 223, A bill to amend and re-enact section 5 of chapter 192 of the Code of 1860, in relation to offences against property, so as to punish more rigorously in certain cases the crime of arson; which, on his motion, was read the first, and ordered to be read a second time, and referred to the committee for courts of justice.

Mr. Kirkpatrick, by leave, presented

No. 224, A bill to provide for the establishment of the Southern Lunatic Asylum, and to establish the Central Lunatic Asylum on a permanent basis; which, on his motion, was read the first, and ordered to be read a second time, and referred to the committee on public institutions.

Mr. Quesenberry, by leave, presented

No. 225, A bill for the relief of John Pollard of King & Queen county; which, on his motion, was read the first, and ordered to be read a second time, and referred to the committee on finance.

No. 21, Senate bill to secure and provide for paying the railroad debts of counties, townships, cities, and towns in Virginia, was taken up, on motion of Mr. Penn, and, on his further motion, the vote by which the bill was ordered to its engrossment and third reading was reconsidered, when he offered the substitute for the bill submitted on yesterday; and the question being on agreeing to the substitute—and pending which,

On motion of Mr. Penn, the bill was laid on the table and made the order of the day for to-morrow.

The following bills were taken up, read the third time and passed with their titles:

No. 89, Senate bill to amend section 81 of an act approved March 19th, 1872, entitled an act to amend and re-enact an act prescribing the duties

and compensation of certain township officers, approved July 11th, 1870, and acts amendatory thereof.

No. 189, Senate bill to provide for the valuation of life insurance policies.

No. 146, Senate bill to repeal an act passed February 8th, 1865, to amend and re-enact section 2 of chapter 169 of the Code of 1860, in relation to the county or corporation in which suits may be commenced.

No. 202, Senate bill to amend and re-enact sections 5 and 10 of an act passed January 20th, 1866, entitled an act to incorporate the Johnston Insurance Company of Danville, Virginia. And

No. 208, Senate bill to authorize the trustees of Hamilton Lodge, No. 37, Ancient Free and Accepted Masons, to borrow money for the purpose of erecting a masonic hall.

Ordered, That the clerk communicate the passage of the five preceding bills to the House of Delegates and request their concurrence therein.

No. 186, Senate bill to amend and re-enact section 2 of chapter 80 of the Code of 1860, in relation to funds from gifts, grants, devises, and bequests, was taken up, read the third time, and, on motion of Mr. Kirkpatrick, laid on the table.

No. 209, Senate bill supplemental to an act to appropriate the income arising from the proceeds of the land scrip accruing to Virginia under act of Congress of July 2nd, 1862, and act amendatory thereof, approved March 19th, 1872, was taken up, read the third time, and the question on the passage thereof being put, was determined in the affirmative—ayes 23, noes none.

The vote was recorded as follows:

Ayes—Messrs. Anderson of Pittsylvania, Anderson of Rockbridge, Beazley, Cochran, Graham, Greene, Holladay, Hundley, Kirkpatrick, Lewis, Martin, Norton, Nowlin, Penn, Pridemore, Quesenberry, Rixey, Robinson, Rue, Smith, Taylor of Norfolk city, Ward, and Wynne—23.

Noes—none.

The title of the bill was then agreed to.

Ordered, That the clerk inform the House of Delegates thereof and request their concurrence therein.

No. 210, Senate bill to amend the act in force February 7th, 1872, in relation to the investment of the proceeds arising from the sale of the land scrip donated by Congress to Virginia, was taken up, read the third time, and the question on the passage thereof being put, was determined in the affirmative—ayes 22, noes none.

The vote was recorded as follows:

Ayes—Messrs. Anderson of Pittsylvania, Anderson of Rockbridge, Beazley, Cochran, Fitzpatrick, Graham, Holladay, Hundley, Kirkpatrick, Lackland, Lewis, Penn, Perrin, Pridemore, Quesenberry, Rixey, Smith, Taylor of Loudoun, Taylor of Norfolk city, Terry, Ward, and Wynne—22.

Noes—none.

The title of the bill was then agreed to.

Ordered, That the clerk inform the House of Delegates thereof and request their concurrence therein.

No. 216, Senate bill to authorize the Board of Public Works to sell the State's interest in the Upper Appomattox Company, was taken up, read the second, and ordered to be engrossed and read a third time. Subsequently,

On motion of Mr. Penn, the vote ordering the bill to its engrossment and third reading was reconsidered; and, on his further motion, the bill was laid on the table.

No. 211, Senate bill to regulate and define the jurisdiction of the county and circuit courts, to prescribe the number of terms of the circuit courts, and to fix the pay of county judges, being the order of the day, was taken up, on motion of Mr. Penn, and read the second time—when

Mr. Taylor of Loudoun moved to postpone the further consideration of the bill until to-morrow; and the question being put thereon, was determined in the negative.

Mr. Hundley moved to amend the bill by striking out in the 4th line of the 1st section the words "to hear and determine all motions," and insert in lieu thereof the words "of all actions of unlawful entry or detainer, friendly suits actions at law for the partition of lands, appeals from justices' decisions, involving an amount not exceeding two hundred dollars, and all matters relating to roads and ferries."

Mr. Taylor of Loudoun moved to amend the amendment by striking out the words "two hundred," and inserting in lieu thereof the words "five hundred;" and the question being put thereon, was determined in the negative.

The question recurring on agreeing to the amendment, Mr. Nowlin, moved to amend the same by striking out the words "friendly suits for the partition of lands." Thereupon

Mr. Perrin moved that the Senate do now adjourn; and the question being put thereon, was determined in the negative, on division—ayes 12, noes 12.

The question recurring on agreeing to the amendment to the amendment, and being put, was determined in the negative.

The question recurring on agreeing to Mr. Hundley's amendment, and being put, was determined in the negative—ayes 7, noes 16.

On motion of Mr. Hundley, the vote was recorded as follows:

Ayes—Messrs. Beazley, Hundley, Norton, Rixey, Stevens, Taylor of Loudoun, and Ward—7.

Noes—Messrs. Anderson of Rockbridge, Cochran, Fitzpatrick, Greene, Greever, Holladay, Kirkpatrick, Lackland, Martin, Nowlin, Penn, Pridemore, Robinson, Rue, Smith, and Wynne—16.

Mr. Fitzpatrick moved to amend the bill by striking out the whole of the third section—pending which,

Mr. Hundley moved that the Senate adjourn; and the question being put thereon, was determined in the affirmative, on division—ayes 14, noes 10.

The President announced the Senate adjourned until to-morrow, twelve o'clock.

WEDNESDAY, FEBRUARY 19, 1873.

Prayer by Rev. Dr. Granbery.

A communication from the House of Delegates, by their clerk, was read as follows:

In House of Delegates, February 18, 1873.

The House of Delegates have rejected Senate joint resolution exempting a bill incorporating the Danville and New River Railway Company from the tax imposed by the 61st section of an act imposing taxes for support of government, &c., approved April 5th, 1872; and have passed Senate bills entitled an act to amend and re-enact the 1st section of an act approved March 25th, 1871, entitled an act to amend and re-enact the 1st and 4th sections of an act entitled an act to authorize the city of Norfolk to construct water-works for the use of the people of said city, passed January 14th, 1867, No. 183; and an act to enable the vestrymen of Lyttleton Parish, in the county of Cumberland, to sell certain church property and re-invest the proceeds, No. 142.

Mr. Fitzpatrick, from the committee on general laws, reported with amendments,

No. 219, Senate bill to amend and re-enact sections 17 and 20 of an act approved March, 1871, entitled an act to amend and re-enact an act entitled an act to incorporate the town of Liberty, in the county of Bedford, and to add to said charter sections 24, 25, 26, 27, and 28.

He, from the same committee, reported without amendment,

No. 221, Senate bill to amend and re-enact sections 5 and 13 of the act in force March 22nd, 1872, entitled an act to amend and re-enact certain acts in relation to the town of Fincastle, in the county of Botetourt, and to extend the corporate limits of said town.

And he, from the same committee, reported without amendment,

No. 218, Senate bill to increase the capital stock of the Petersburg Gas Light Company.

Mr. Cochran, from the committee on finance, reported without amendment,

No. 220, Senate bill to provide for the payment of a claim due by the State to W. W. Newman for repairs done to the Staunton and Parkersburg Turnpike.

Mr. Ward, by leave, presented

No. 226, A bill to regulate the vote of counties, cities, and towns holding shares in the capital stock of railroad or other internal improvement companies; which, on his motion, was read the first, and ordered to be read a second time, and referred to committee on roads and internal navigation.

Mr. Graham, by leave, presented

No. 227, A bill providing for the location and building of a lunatic asylum in Southside Virginia; which, on his motion, was read the first, and ordered to be read a second time, and referred to the committee on public institutions.

Mr. Herndon, by leave, presented

No. 228, A bill to amend an act districting the State for county judges; which, on his motion, was read the first, and ordered to be read a second time.

Mr. Pridemore, by leave, presented

No. 229, A bill to amend and re-enact section 5, chapter 94, Acts of 1869-70, in relation to the salary of county court judges; which, on his motion, was read the first, and ordered to be read a second time, and referred to the committee for courts of justice.

Senate joint resolutions expressing the concurrence of the General Assembly in the Governor's recommendation of the assumption of the debts of the several States by the federal government, were taken up, on motion of Mr. Penn; and the question being on agreeing to the resolutions,

Mr. Fitzpatrick moved to refer the resolutions to the committee on federal relations.

Mr. Penn offered the following resolution as a substitute for the motion, which was accepted by Mr. Fitzpatrick:

"Resolved, That a special committee, consisting of seven, be appointed by the chair, to whom shall be referred the special message of the Governor, and the resolutions in reference thereto on the subject of the debts of the States, with instructions to report as soon as practicable."

The question on agreeing to the resolution being put, was determined in the affirmative, on division—ayes 26, noes 5.

The chair appointed as the committee under the resolution, Messrs. Penn, Quesenberry, Cochran, Fitzpatrick, Pridemore, Nowlin, and Greene.

Mr. Taylor of Norfolk city, by leave, presented

No. 230, A bill to repeal the provisions of the insurance deposit law, so far as regards foreign companies doing exclusively a marine business; which, on his motion, was read the first, and ordered to be read a second time, and referred to the committee on general laws.

No. 211, Senate bill to regulate and define the jurisdiction of the county and circuit courts, to prescribe the number of terms of the circuit courts, and to fix the pay of county judges, being the unfinished business of yesterday, was taken up.

The pending question being on agreeing to the motion to amend the bill by striking out the whole of the third section,

On motion of Mr. Penn, the bill was laid on the table.

No. 21, Senate bill to secure and provide for paying the railroad debts of counties, townships, cities, and towns in Virginia, being the order of the day, was taken up, on motion of Mr. Anderson of Rockbridge: and the question being on agreeing to the substitute heretofore offered by Mr. Penn,

Mr. Taylor of Norfolk city moved to amend the same by adding at the end of the 4th section the following proviso:

"Provided, that all the rights, privileges, and benefits conferred by this act shall apply in all cases where the State has been a stockholder in a railroad, to aid the construction of which, any county, township, city, or town shall have contracted a debt, and in which the State's interest has been purchased by such railroad company," which was agreed

to; and the substitute as amended was then agreed to, and the bill as amended was ordered to be engrossed and read a third time, and, on motion of Mr. Penn, was made the order of the day for to-morrow, at one o'clock.

No. 33, Senate bill to authorize the revocation of subscriptions to the Valley Railroad Company and the transfer of the same on certain conditions, was taken up, read the third time and passed with its title.

Ordered, That the clerk inform the House of Delegates thereof and request their concurrence therein.

No. 216, Senate bill to authorize the Board of Public Works to sell the State's interest in the Upper Appomattox Company, was taken up, on motion of Mr. Taylor of Norfolk city; and the question being on ordering the bill to its engrossment and third reading,

Mr. Greene offered an amendment in the nature of a substitute for the bill, which was modified at the suggestion of Mr. Quesenberry.

The question on the adoption of the said substitute being put, was determined in the negative—ayes 10, noes 18.

On motion of Mr. Quesenberry, the vote was recorded as follows:

Ayes—Messrs. Connally, French, Greene, Greever, Lackland, Meem, Penn, Quesenberry, Rixey, and Rue—10.

Noes—Messrs. Anderson of Rockbridge, Beazley, Boykin, Herndon, Holladay, Johnson, Lewis, Martin, Norton, Perrin, Pridemore, Smith, Stevens, Taylor of Loudoun, Taylor of Norfolk city, Terry, Ward, and Wynne—18.

The bill was then ordered to be engrossed and read a third time.

On motion of Mr. Kirkpatrick, the Senate adjourned until to-morrow, twelve o'clock.

THURSDAY, FEBRUARY 20, 1873.

A communication from the House of Delegates, by their clerk, was read as follows:

In House of Delegates, February 19, 1873.

The House of Delegates have passed House bills entitled an act to authorize the formation of the Virginia Mining, Manufacturing and Transportation Company, No. 227; an act to more effectually punish embezzlements No. 116; an act to declare Hardware river, in Fluvanna county, a lawful fence, No. 100; an act to incorporate the Hunter Woodis Club of Norfolk, No. 69; an act to incorporate the Nansemond Land, Lumber and Narrow Gauge Railway Company, No. 171; an act to amend and re-enact sections 6, 14, and 27 of an act providing a charter for the city of Norfolk, in force March 16th, 1871, as amended by an act in force March 4th, 1872, No. 79; an act to amend and re-enact the 7th section of an act approved April 2nd, 1870, to provide for dividing the several counties of this State into townships, No. 101; an act to authorize the issue of duplicate land warrants, &c., where the originals have been lost or destroyed, No. 202; an act

giving the consent of the State for the purchase by the United States of land within this State for the erection of light-houses, No. 108; an act to incorporate the New York, Norfolk and Charleston Railway Company, No. 109; joint resolution memorializing Congress to modify the law imposing a tax on tobacco, No. 113; and an act to repeal the act entitled an act to amend and re-enact section 12 of chapter 34 of Code of 1860, in relation to certain debts due the Virginia Military Institute, approved March 4th, 1871, and to re-enact the said section of the said chapter of the Code, No. 115; in which they respectfully request the concurrence of the Senate.

No. 108, House bill entitled an act giving the consent of the State for the purchase by the United States of land within this State for the erection of light-houses, was taken up, twice read, and referred to the committee for courts of justice.

No. 115, House bill entitled an act to repeal the act entitled an act to amend and re-enact section 12 of chapter 34 of Code of 1860, in relation to certain debts due the Virginia Military Institute, approved March 4th, 1871, and to re-enact the said section of the said chapter of the Code, was taken up, read twice, and referred to the committee on public institutions.

No. 109, House bill entitled an act to incorporate the New York, Norfolk and Charleston Railway Company, was taken up, twice read, and referred to the committee on roads and internal navigation.

No. 202, House bill entitled an act to authorize the issue of duplicate land warrants, &c., where the originals have been lost or destroyed, was taken up, twice read, and referred to the committee for courts of justice.

No. 101, House bill entitled an act to amend and re-enact the 7th section of an act approved April 2nd, 1870, to provide for dividing the several counties of this State into townships, was taken up, twice read, and referred to the committee on county, city, and town organizations.

No. 79, House bill entitled an act to amend and re-enact sections 6, 14, and 27 of an act providing a charter for the city of Norfolk, in force March 16th, 1871, as amended by an act in force March 4th, 1872, was taken up, twice read, and referred to the committee on county, city, and town organizations.

No. 69, House bill entitled an act to incorporate the Hunter Woodis Club of Norfolk, was taken up, twice read, and referred to the committee on general laws.

No. 100, House bill entitled an act to declare Hardware river, in Fluvanna county, a lawful fence, was taken up, twice read, and referred to the committee on general laws.

No. 227, House bill entitled an act to authorize the formation of the Virginia Mining, Manufacturing and Transportation Company, was taken up, twice read, and referred to the committee on roads and internal navigation.

No. 171, House bill entitled an act to incorporate the Nansemond

Land, Lumber and Narrow Gauge Railway Company, was taken up, twice read, and referred to the committee on roads and internal navigation.

No. 116, House bill entitled an act to more effectually punish embezzlement, was taken up, twice read, and referred to the committee for courts of justice.

No. 113, House joint resolution memorializing Congress to modify the law imposing a tax on tobacco, was taken up, twice read, and referred to the committee on federal relations.

A message was received from the House of Delegates by Mr. Watts, who informed the Senate that that House had passed a bill entitled an act to provide for the publication of a new edition of the Code, No. 238; which was taken up, twice read, and referred to the committee for courts of justice.

Mr. Herndon, from the committee for courts of justice, presented a report declaring it inexpedient to legislate on the subject of a resolution as to the more effectual protection of land-owners from depredations of persons riding through their farms, pulling down fences, &c.

And he, from the same committee, presented a report asking to be discharged from the further consideration of a resolution relating to the transfer of the stock and accrued dividends of the Petersburg and Weldon Railroad, and that the same be referred to the Attorney-General of the State.

Mr. Taylor of Norfolk city, from the committee on roads and internal navigation, reported with amendments, but with the recommendation that it do not pass,

No. 35, Senate bill to amend the charter of the Petersburg Railroad Company. Subsequently,

On motion of Mr. Ward, the bill was taken up, and, on his further motion, laid on the table and made the order of the day for Thursday next.

And he, from the same committee, reported with an amendment,

No. 156, Senate bill to authorize the Roanoke Valley Railroad Company to construct a wagon-way across their bridge at Clarkesville.

Mr. Thomas, from the committee on finance, presented the following preamble and joint resolution:

Whereas it appears to the General Assembly, that about the year 1855, John Cock, Sr., and Lorenzo D. Collier, of the county of Carroll, under the name and style of Cock & Collier, entered into a contract with the Danville and Wytheville Turnpike Company to construct a portion of their road, and did construct and complete the portion of the road so contracted for according to the terms of the said contract; and whereas the State of Virginia owned three-fifths of the stock of the said Danville and Wytheville Turnpike Company, and by act of Assembly appropriated thirty-six thousand dollars for the construction of the said turnpike road, only thirty-one thousand six hundred and sixty dollars and ninety-one cents of which have been drawn from the treasury, leaving a balance of four thousand three hundred and thirty-nine dollars and nine cents appropriated and unexpended; and whereas there is

a balance due the said Cock & Collier for work done on the said turnpike road, the exact amount of which cannot well be ascertained by the General Assembly; now, therefore, for the purpose of ascertaining and determining the said amount.

Resolved (the House of Delegates concurring), That the Board of Public Works be and they are hereby authorized and directed to hear and consider all evidence produced before them by the said Cock & Collier, their personal representatives or assigns, concerning the said claim; and thereafter, at the earliest day practicable, report to the General Assembly what amount, if any, is due to the said Cock & Collier, their personal representatives or assigns, from the State of Virginia for work done on the Danville and Wytheville Turnpike Road.

And he, from the same committee, presented a report asking to be discharged from the further consideration of a resolution as to repealing an act prescribing the times for holding the circuit courts, &c., and that the same be referred to the committee for courts of justice.

Mr. Boykin, from the committee to examine the Treasurer's office, presented the following report:

"The committee of the Senate to examine the accounts of the Treasurer have performed that duty, and submit the following report: That the vouchers of the Treasurer, both receipts and disbursements into and out of the treasury, on warrants and orders issued by the Auditor of Public Accounts and Second Auditor, are neatly and carefully labeled and filed in good order; that the books are neatly and correctly kept, and the cash account settled and balanced each day. All of which is respectfully submitted.

(Signed,) JNO. E. PENN,
S. H. BOYKIN."

Mr. Penn, from the select committee on the subject, reported with a substitute therefor,

Senate joint resolutions expressing the concurrence of the General Assembly in the Governor's recommendation of the assumption of the debts of the several States by the federal government.

The substitute is as follows:

"Whereas the Governor of Virginia has transmitted to the General Assembly his special message recommending the assumption and payment of the existing debts of all the States by the United States government; therefore,

"1. Resolved by the General Assembly of Virginia, That it concurs in the said recommendation of the Governor as wise, just and expedient.

"2. Resolved, That the Governor be requested to transmit copies of the resolutions, together with the message, to the General Assembly of each of the States and request their concurrence therein; and that our Senators and Representatives in Congress be requested to give this matter their earnest and careful attention." Subsequently

Mr. Pridemore moved to take up the joint resolutions; and the question being put thereon, was determined in the affirmative, on division —ayes 23, noes 10.

The question being on agreeing to the substitute proposed by the committee

On Mr. Greene's motion, modified at the suggestion of Mr. Pridemore, the resolutions were laid on the table and made the order of the day for to-morrow, and the substitute was ordered to be printed.

On motion of Mr. Meem, the vote by which the following bill was passed was reconsidered :

No. 85, House bill entitled an act authorizing the formation of land associations.

On motion of Mr. Meem, the vote by which the said bill was ordered to its third reading was reconsidered, when, on his futher motion, the bill was recommitted to the committee on general laws.

Mr. Ward, by leave, presented

No. 281, A bill to authorize the corporate authorities of Winchester and the supervisors of Frederick county to subscribe to the capital stock of the Sehanndoah Valley Agricultural Society ; which, on his motion, was read the first, and ordered to be read a second time.

Mr. Greene, by leave, presented

No. 282, A bill to amend and re-enact section 1 of chapter 86 of the Code of 1860, in relation to the establishment of hospitals by counties and cities of the State; which, on his motion, was read the first, and ordered to be read a second time, and referred to the committee on public institutions.

Mr. Taylor of Loudoun, by leave, presented

No. 283, A bill to amend section 2 of an act entitled an act to prescribe and define the jurisdiction of the county and corporation courts of the Commonwealth, and the times and places of holding the same, approved April 2nd, 1870 ; which, on his motion, was read the first, and ordered to be read a second time.

Mr. Cochran offered the following preamble and joint resolutions, which lie over under the rules :

"Whereas the Congress of the United States, by an act approved the 3rd of March, 1871, and entitled an act to provide for celebrating the one hundredth anniversary of American Independence by holding an international exhibition of arts, manufactures, and products of the soil and mine, in the city of Philadelphia and State of Pennsylvania, in the year eighteen hundred and seventy-six, did require the appointment of commissioners from each State and Territory of the United States, with power to promote, provide for, and exclusively control the exhibition therein authorized and given by the national sanction ; and whereas the General Assembly of Virginia, by joint resolutions approved the 23rd of March, 1871, did heartily approve the selection of the city of Philadelphia as the appropriate place to hold an exhibition commemorative of the happiest events of the revolution, and of the virtues and achievements of the patriots and statesmen thereof, of whom so many of the most illustrious were sons of Virginia, whose descendants now people her borders, and are not less renowned for patriotism than their honored sires ; and whereas the occasion affords the people and government of the State an unequalled opportunity to exhibit in the most

attractive light, before the aggregated capitalists and skilled laborers of our own and all other civilized countries, the great and varied (though only partially developed) mineral resources and the immense manufacturing and agricultural advantages of Virginia, which said resources and advantages, we believe, surpass those of any equal area of territory on this continent; and whereas the 'United States Centennial Commission,' a body duly constituted under the said act of Congress of 3rd March, 1871, has, since its organization, been diligently engaged in preparing and maturing plans for the proper holding of an exhibition, which it is designed to make the best yet seen of the men and the works of the world; and whereas the members of this General Assembly believe that the grandest result of the said exhibition will be the burial of all animosities because of section, the healing of all jealousies and heart-burnings because of the past, and the restoration in fact of the friendly and fraternal relations which should exist between all the people of a common country; and whereas this General Assembly is informed that the preparations for the proposed exhibitions have been brought to that stage when, to insure its holding and the consequent accomplishment of the objects sought to be attained thereby, it should receive the cordial commendation of the people and governments of the States and of the nation: Now therefore be it

"1. Resolved by the General Assembly of Virginia, That the time and place of holding the said centennial exhibition are hereby again endorsed.

"2. That the said centennial exhibition is warmly commended to the people as a means of restoring prosperity to Virginia, and sincere good feeling between all the people of the United States.

"3. That our Senators and Representatives in Congress be and they are hereby instructed to promote by their votes and influence all measures or national legislation necessary and requisite to make said centennial exhibition a success worthy of the nation, and of the great men and events it is designed to commemorate.

"4. That the Governor is hereby requested to cause copies of this preamble and resolutions to be sent to each of our Senators and Representatives in Congress."

Mr. Cochran moved that the rules be suspended for the purpose of taking up the resolutions to-day, which was agreed to; and, on his further motion, the resolutions were referred to the committee on federal relations and ordered to be printed.

Mr. Kirkpatrick, by leave, presented

No. 234, A bill to incorporate the Farmers' Bank of Lynchburg, Virginia; which, on his motion, was read the first, and ordered to be read a second time, and referred to the committee on banks.

Mr. Taylor of Norfolk city, by leave, presented

No. 235, A bill to incorporate the Boston Wharf and Wharehouse Company of Norfolk; which, on his motion, was read the first, and ordered to be read a second time, and referred to the committee on general laws.

On motion of Mr. Penn,

Resolved, That the committee on roads and internal navigation enquire into the expediency of requiring railroad companies to bear an equal burden with the land-holder in making and keeping in repair fences on both sides of said roads when they traverse enclosures.

No. 21, Senate bill to secure and provide for paying the railroad debts of counties, townships, cities, and towns in Virginia, being the order of the day, was taken up, on motion of Mr. Nowlin, read the third time, and the question on the passage thereof being put, was determined (for want of a constitutional majority) in the negative—ayes 20, noes 10.

The vote was recorded as follows:

Ayes—Messrs. Anderson of Rockbridge, Beazley, Cochran, French, Graham, Greene, Johnson, Lackland, Massey, Meem, Norton, Nowlin, Penn, Pridemore, Rixey, Robinson, Rue, Smith, Ward, and Wynne—20.

Noes—Messrs. Boykin, Connally, Fitzpatrick, Herndon, Kirkpatrick, Lewis, Perrin, Quesenberry, Taylor of Loudoun, and Terry—10.

No. 52, House bill entitled an act for the preservation of oysters, and to obtain revenue for the privilege of taking them within the waters of the Commonwealth, being the second order of the day, was taken up, on motion of Mr. Nowlin—when

Mr. Pridemore moved to lay the bill on the table; and the question being put thereon, was determined in the negative—ayes 13, noes 15.

On motion of Mr. Taylor of Loudoun, the vote was recorded as follows:

Ayes—Messrs. Cochran, Connally, Fitzpatrick, Greene, Greever, Kirkpatrick, Lackland, Pridemore, Quesenberry, Smith, Thomas, Ward, and Wynne—13.

Noes—Messrs. Beazley, Boykin, Herndon, Johnson, Lewis, Martin, Massey, Meem, Norton, Penn, Perrin, Rixey, Robinson, Taylor of Loudoun, and Terry—15.

The amendments proposed by the committee on finance were then agreed to.

Mr. Perrin moved further to amend the bill by inserting after the word "bay," in 4th line, 14th section, the words "except west of a line drawn from the light-house on Rappahan Spit to the light-house on Stingery Point, and thence west of a line running south-southeast to the shoals off the eastern entrance to Milford Haven;" and the question being put thereon, was determined in the negative.

Mr. Lewis moved further to amend the bill by striking out the 24th section and inserting in lieu thereof the following:

"§24. At the expiration of the oyster season, each tongman shall make oath before the inspector, or his deputy, of the amount of oysters sold by him during the season, and shall pay for each one hundred dollars of such amount in excess of the sum exempt as income from taxation the same rate of tax as is imposed on each one hundred dollars value of land in the Commonwealth for that year, and the boats, tongs, and other implements used by the tongsmen shall be held by the inspector, or his deputy, for the payment of the tax hereby imposed."

The question on agreeing to the amendment being put, was determined in the negative.

Mr. Johnson made a motion, modified at the suggestion of Mr. Lewis, to amend the 4th section by adding at the end thereof the following proviso:

"Provided, that the same are not sold within twelve months after planting."

The question being on agreeing to the amendment,

Mr. Meem demanded the pending question, which was ordered; and being put, was determined in the negative.

On motion of Mr. Lewis, the bill was further amended by striking out, in 25th line, 14th section, the words "or elsewhere, as the inspector may designate," and insert in lieu thereof the words "as herein prescribed; the number on his main-sail to be placed above the balance-reef in the centre of the sail, half-way between the gaff and said reef, on the gib above the bonnet in the centre of the gib, and on the opposite of that on the main-sail."

Mr. Quesenberry made an unsuccessful motion to adjourn.

The bill was then read the third time—when

Mr. Quesenberry moved to adjourn; and the question being put thereon, resulted, on division—ayes 8, noes 10. No quorum voting, thereupon,

On motion of Mr. Penn, the Senate adjourned until to-morrow, twelve o'clock.

FRIDAY, FEBRUARY 21, 1873.

Prayer by Rev. Dr. Granbery.

A communication from the House of Delegates, by their clerk, was read as follows:

In House of Delegates, February 20, 1873.

The House of Delegates have passed Senate bills entitled an act to incorporate the American Lithographic Stone Company of Virginia, No. 170; and an act to incorporate the United States Gold and Silver Amalgamating Company of Virginia, No. 151.

They have passed House bills entitled an act to authorize the legal voters of certain counties to vote upon the question of negotiating a loan or loans, and to issue bonds for and in the name of said counties for the purpose of establishing a steamboat line between the landings on the Rappahannock river and the city of Baltimore, Maryland or Norfolk, or both, No. 168; an act to amend and re-enact section 1 of chapter 150 of the Code of 1860, extending the jurisdiction of justices in civil cases to one hundred dollars, No. 104; an act to protect fish in the Clinch river from the line of Scott county to the Tazewell county line, No. 121; an act to amend section 8, chapter 102 of Code in relation to rewards for killing noxious animals, No. 124; an act to amend and re-enact sections 7 and 9 of chapter 160 of Code of 1860, as amended by an act approved June 23rd, 1870, in relation to terms of Supreme Court of Appeals, No. 126; an act to authorize the Board of Public Works to transfer the

Junction Valley Turnpike to the counties through which it passes, No. 186; an act to prevent the placing of obstructions in Sycamore creek, in the county of New Kent, No. 240; an act for the protection of fish in Smith's river, in the county of Henry, No. 120; an act fixing the mileage of members of the General Assembly, No. 127; an act for the relief of Wm. E. Grigsby of King George county, No. 119; and joint resolution instructing the Second Auditor to pay interest on State bonds held by the school trustees of Prince William county, No. 258; in which they respectfully request the concurrence of the Senate.

No. 168, House bill entitled an act to authorize the legal voters of certain counties to vote upon the question of negotiating a loan or loans, and to issue bonds for and in the name of said counties for the purpose of establishing a steamboat line between the landings on the Rappahannock river and the city of Baltimore, Maryland, or Norfolk, or both, was read twice, and referred to the committee on general laws.

No. 104, House bill entitled an act to amend and re-enact section 1 of chapter 150 of the Code of 1860, extending the jurisdiction of justices in civil cases to one hundred dollars, was read twice, and referred to the committee for courts of justice.

No. 121, House bill entitled an act to protect fish in the Clinch river from the line of Scott county to the Tazewell county line, was read twice, and referred to the committee on general laws.

No. 124, House bill entitled an act to amend section 8, chapter 102 of Code, in relation to rewards for killing noxious animals, was read twice, and referred to the committee on general laws.

No. 126, House bill entitled an act to amend and re-enact sections 7 and 9 of chapter 160 of Code of 1860, as amended by an act approved June 23rd, 1870, in relation to terms of Supreme Court of Appeals, was read twice, and referred to the committee for courts of justice.

No. 188, House bill entitled an act to authorize the Board of Public Works to transfer the Junction Valley Turnpike to the counties through which it passes, was read twice, and, on motion of Mr. Anderson of Rockbridge, the rule requiring the commitment of the same being suspended, was read the third time, and the question on the passage thereof being put, was determined in the affirmative—ayes 24, noes none.

The vote was recorded as follows:

Ayes—Messrs. Anderson of Pittsylvania, Anderson of Rockbridge, Beazley, Cochran, Fitzpatrick, Green, Greever, Grimsley, Herndon, Johnson, Lackland, Lewis, Martin, Meem, Norton, Nowlin, Penn, Pride-more, Quesenberry, Rixey, Stevens, Taylor of Loudoun, Ward, and Wynne—24.

Noes—none.

The title of the bill was then agreed to.

Ordered, That the clerk inform the House of Delegates thereof.

No. 240, House bill entitled an act to prevent the placing of obstructions in Sycamore creek, in the county of New Kent, was read twice, and referred to the committee on roads and internal navigation.

No. 120, House bill entitled an act for the protection of fish in Smith's

river, in the county of Henry, was read twice, and, on motion of Mr. Anderson, the rule requiring the commitment of the same being suspended, was read the third time, and passed with its title.

Ordered, That the clerk inform the House of Delegates thereof.

No. 127, House bill entitled an act fixing the mileage of members of the General Assembly, was read twice, and referred to the committee on finance.

No. 119, House bill entitled an act for the relief of Wm. E. Grigsby of King George county, was read twice, and referred to the committee on finance.

No. 258, House joint resolution instructing the Second Auditor to pay interest on State bonds held by the school trustees of Prince William county, was read twice, and, on motion of Mr. Taylor of Loudoun, the rule requiring the commitment of the same was suspended, and the resolution was read the third time, and the question on agreeing thereto being put, was determined in the affirmative—ayes 26, noes 2.

The vote was then recorded as follows:

Ayes—Messrs. Anderson of Pittsylvania, Anderson of Rockbridge, Beazley, Cochran, Fitzpatrick, French, Graham, Greene, Grimsley, Johnson, Kirkpatrick, Lackland, Lewis, Meem, Norton, Nowlin, Penn, Pridemore, Quesenberry, Rixey, Smith, Stevens, Taylor of Loudoun, Thomas, Ward, and Wynne—26.

Noes—Messrs. Boykin, and Perrin—2.

On motion of Mr. Taylor of Loudoun, it was

Ordered, That he inform the House of Delegates thereof.

Mr. Fitzpatrick, from the committee on general laws, reported without amendment,

No. 100, House bill entitled an act to declare Hardware river, in Fluvanna county, a lawful fence.

He, from the same committee, reported without amendment,

No. 69, House bill entitled an act to incorporate the Hunter Woodis Club of Norfolk.

He, from the same committee, reported with amendments,

No. 85, House bill entitled an act authorizing the formation of Land Associations.

And he, from the same committee, reported with a substitute,

No. 205, House bill entitled an act to incorporate the Norfolk and Berkley Ferry Company.

Mr. Cochran, from the committee on roads and internal navigation, reported without amendment,

No. 227, House bill entitled an act to authorize the formation of the Virginia Mining, Manufacturing and Transportation Company.

Mr. Thomas, from the committee on finance, reported without amendment,

No. 204, Senate bill to authorize the Second Auditor to issue duplicates of certain warrants on the Treasury, lost or destroyed before payment.

And he, from the same committee, reported without amendment,

No. 225, Senate bill for the relief of John Pollard of King and Queen county.

Mr. Anderson of Rockbridge, from the committee on public institutions, reported with amendments,

No. 224, Senate bill to provide for the establishment of the Southern Lunatic Asylum, and to establish the Central Lunatic Asylum on a permanent basis.

Mr. Cochran, from the committee on federal relations, reported without amendment,

Senate joint resolutions in regard to the centennial celebration and international exhibition.

The resolutions were taken up, on motion of Mr. Cochran—when

Mr. Nowlin moved to amend the 3rd resolution by striking out the word “instructed,” and inserting in lieu thereof the word “requested.”

Mr. Boykin moved to amend the amendment by striking out the whole of the third resolution, which was accepted by Mr. Nowlin; and the question being on agreeing to the amendment as modified,

Mr. Greever demanded the pending question, which was ordered; and being put, was determined in the negative—ayes 13, noes 19.

On motion of Mr. Quesenberry, the vote was recorded as follows:

Ayes—Messrs. Anderson of Pittsylvania, Anderson of Rockbridge, Boykin, Fitzpatrick, Greever, Herndon, Johnson, Kirkpatrick, Lewis, Nowlin, Perrin, Quesenberry, and Taylor of Loudoun—13.

Noes—Messrs. Beazley, Cochran, French, Green, Grimsley, Lackland, Martin, Massey, Meem, Norton, Penn, Pridemore, Rixey, Robinson, Smith, Stevens, Thomas, Ward, and Wynne—19.

Mr. Taylor of Loudoun, moved to amend the third resolution by striking out the words “all measures of national legislation,” and inserting in lieu thereof the words “such measures of national legislation as they may deem;” which amendment was accepted by Mr. Cochran—when

Mr. Quesenberry moved to lay the resolutions on the table; and the question being put thereon, was determined in the negative—ayes 14, noes 20.

On motion of Mr. Quesenberry, the vote was recorded as follows:

Ayes—Messrs. Anderson of Pittsylvania, Anderson of Rockbridge, Boykin, Connally, Fitzpatrick, Greever, Herndon, Johnson, Kirkpatrick, Lewis, Massey, Nowlin, Perrin, and Quesenberry—14.

Noes—Messrs. Beazley, Cochran, French, Graham, Green, Grimsley, Lackland, Martin, Meem, Norton, Penn, Pridemore, Rixey, Robinson, Smith, Stevens, Taylor of Loudoun, Thomas, Ward, and Wynne—20.

Mr. Penn moved to amend the third resolution so as to read “That our Senators and Representatives in Congress be and they are hereby requested to promote by their votes and influence such measures of national legislation as in their judgment may seem proper to make said centennial exhibition a success worthy of the nation and of the great men and events it is designed to commemorate;” which amendment was accepted by Mr. Cochran; and the question on agreeing to the resolu-

tions as amended was put, and determined in the affirmative—ayes 21, noes 9.

On motion of Mr. Quesenberry the vote was recorded as follows:

Ayes—Messrs. Beazley, Cochran, French, Graham, Greene, Grimsley, Lackland, Martin, Massey, Meem, Norton, Nowlin, Peen, Pride-more, Rixey, Robinson, Smith, Taylor of Loudoun, Thomas, Ward, and Wynne—21.

Noes—Messrs. Anderson of Rockbridge, Boykin, Connally, Greever, Herndon, Johnson, Kirkpatrick, Lewis, and Quesenberry—9.

On motion of Mr. Cochran it was

Ordered, That he inform the House of Delegates thereof and request their concurrence therein.

Mr. Cochran, from the special joint committee to confer with the bond-holders, &c., presented the following report:

The joint committee appointed in pursuance of the following resolution of the General Assembly:

“Resolved by the House (the Senate concurring), That the holders of the bonds of the State of Virginia, either in person or by proxy, be respectfully invited to meet in conference a committee of the General Assembly of Virginia on the 15th day of February, 1873, in the city of Richmond, to consider the existing liabilities of the State of Virginia with a view to a fair, just, equitable, honorable and certain settlement of the same.”

Respectfully report that after several conferences with gentlemen representing in person or by proxy six millions nine hundred and eighty-eight thousand one hundred and sixty-five dollars and thirty-four cents of the bonds of the State, the committee submitted the following propositions to said bond-holders:

To provide by proper bill for the payment of interest due the 1st of January and July, 1873, as follows:

Pay at rate as follows:

Four per centum per annum on funded debt; four per centum per annum on two-thirds of unfunded debt, and at same rate on five per cent. bonds. For each coupon redeemed, to issue a certificate for one-third to the following effect: Due by the State of Virginia to the bearer _____ (one-third amount of coupon redeemed) without interest; which proposition was formally accepted in writing as follows:

The undersigned, representing a majority of the committee appointed by such of the holders of the bonds of the State of Virginia as convened under the invitation of the General Assembly to consider propositions submitted by the joint committee of the General Assembly, have had under consideration the proposition made to us by said joint committee. In response thereto, we have to say that, understanding the proposition to provide an adjustment affecting the interest accruing the present year, 1873, we approve and accept the same so far as concerns the bonds owned by us, and we will advise its acceptance by the holders whom we represent or may influence. It will be observed that the proposed adjustment makes no provision for the past due coupons of 1872, and that the

holders thereof are left to pursue such course touching the same as they may think proper.

We respectfully suggest that in our judgment it will be found expedient for the State to provide a similar mode of adjustment for these coupons, because we believe that by so providing, relief rather than increased burdens will be produced, and that such provision will tend strongly to obtain a larger concurrence in the proposed adjustment on the part of the bond-holders.

[Signed,]

FRED. R. SCOTT, *Chairman,*
 R. H. MAURY,
 J. L. MARYE, JR.,
 M. ROSENBAUM,
 J. L. WILLIAMS,
 A. N. WELLFORD,
 JAMES GREGORY,
 JAMES T. GRAY.

In order to carry out the above agreement, the committee herewith report a bill to provide for the payment of the interest on the public debt.

ALEX. B. COCHRAN,
Chairman of Senate Committee.
 W. R. TALIAFERRO,
Chairman House Committee.

And he, from the same joint committee, presented

No. 236, A bill to provide for the payment of interest on the public debt; which, on his motion, was read the first, and ordered to be read a second time.

Mr. Anderson of Rockbridge, from the joint committee on constitutional amendments, presented a report, and in connection therewith joint resolutions proposing amendments to sections 1, 2, 3, and 4 of the 7th article of the Constitution of this Commonwealth, in relation to county organization; for publishing said amendments, and certifying the same to the next General Assembly.

The report and resolutions are as follow:

The joint committee upon amendments to the Constitution beg leave to report the resolutions, amendments and schedule herewith returned, which, in the opinion of the committee, embrace the only amendments to the Constitution which it is expedient at this time to recommend to the next General Assembly.

The committee respectfully ask to be discharged from the further consideration of the various propositions which have been referred to them.

WILLIAM A. ANDERSON,
Chairman of Senate Committee.
 JOHN W. LAWSON,
Chairman of House Committee.

JOINT RESOLUTIONS,

Proposing amendments to sections 1, 2, 3, and 4 of the seventh article of the Constitution of this Commonwealth, in relation to county organizations; for publishing said amendments, and certifying the same to the next General Assembly.

Resolved by the Senate and House of Delegates (a majority of the members elected to each of the two houses agreeing thereto), That the following amendments, and the schedule annexed thereto, be and they are hereby proposed to the Constitution of Virginia, and are hereby referred to the General Assembly to be chosen at the next general election of Senators and members of the House of Delegates, for its concurrence, in conformity with article 12 of said Constitution, viz:

Strike from the Constitution of Virginia the 1st and 2nd sections of the 7th article in reference to county organizations, which are in these words :

" COUNTY ORGANIZATIONS.

" § 1. There shall be elected by the qualified voters of the county, one sheriff; one attorney for the commonwealth, who shall also be the commonwealth's attorney for the circuit court; one county clerk, who shall also be the clerk of the circuit court, except that in counties containing fifteen thousand inhabitants, there may be a separate clerk for the circuit court; one county treasurer, and one superintendent of the poor. And there shall be appointed, in the manner provided for in article 8, one superintendent of schools; provided, that counties containing less than eight thousand inhabitants may be attached to adjoining counties for the formation of districts for superintendents of schools; provided, also, that in counties containing thirty thousand inhabitants, there may be appointed an additional superintendent of schools therein. All regular elections for county officers shall be held on the first Tuesday after the first Monday in November; and all officers elected or appointed under this provision shall enter upon the duties of their offices on the first day of January next succeeding their election, and shall hold their respective offices for the term of three years, except that the county and circuit court clerks shall hold their offices for four years."

" TOWNSHIPS.

" § 2. Each county of the State shall be divided into so many compactly located townships as may be deemed necessary, not less than three; provided, that after three have been formed, no additional township shall be made containing less than thirty square miles. Each township shall be known as the township of _____, in the county of _____, and may sue and be sued by such title. In each township there shall be elected annually one supervisor; one township clerk; one assessor; one collector; one commissioner of roads; one overseer of the poor; one justice of the peace, who shall hold his office three years; one constable, who shall hold his office three years: provided, that at the first election held

under this provision there shall be three justices of the peace and three constables elected, whose terms shall be one, two, and three years respectively. All regular elections for township officers shall take place on the fourth Thursday in May, and all officers so elected shall enter upon the duties of their respective offices on the first day of July next succeeding their election. The supervisors of each township shall constitute the board of supervisors for that county, and shall assemble at the courthouse thereof on the first Monday in December in each year, and proceed to audit the accounts of said county, examine the books of the assessors, regulate and equalize the valuation of property, fix the county levies for the ensuing year, apportion the same among the various townships, and perform such other duties as shall be prescribed by law."

And insert in lieu thereof the following:

"ARTICLE VII.

"COUNTY ORGANIZATIONS.

"§ 1. There shall be elected by the qualified voters of the county, one sheriff; one attorney for the commonwealth, who shall also be the commonwealth's attorney for the circuit court; one county clerk, who shall be clerk of the circuit court, except that in counties containing fifteen thousand inhabitants there may be a separate clerk for the circuit court; one county treasurer, and so many commissioners of the revenue as may be provided by law; and there shall be appointed, in a manner to be provided by law, one superintendent of the poor and one county surveyor; and there shall also be appointed in the manner provided for in article 8, one superintendent of schools. All regular elections for county officers shall be held on the fourth Thursday in May, and all officers elected or appointed under this provision shall enter upon the duties of their office on the first of July next succeeding their election, and shall hold their respective offices for the term of four years, except that county and circuit court clerks shall hold their offices for six years.

"§ 2. Each county of the State shall be divided into so many compactly located magisterial districts as may be deemed necessary, not less than three: provided, that after these have been formed, no additional districts shall be made containing less than thirty square miles. Each magisterial district shall be known as _____ magisterial district, in county. In each magisterial district there shall be elected one supervisor, three justices of the peace, one constable, and one overseer of the poor, who shall hold their respective offices for the term of two years. All regular elections for magisterial district officers shall take place on the fourth Thursday in May, and all officers so elected shall enter upon the duties of their respective offices on the first day of July next succeeding their elections. The supervisors of the magisterial district shall constitute the board of supervisors for that county, whose duty it shall be to audit the accounts of the county, examine the books of the commissioners of the revenue, regulate and equalize the valuation of property, fix the county levies of the ensuing year, and perform any other duties required of them by law."

In lieu of the 3rd section of the same article, which is in these words :

“ SCHOOL DISTRICTS.

“ § 3. Each township shall be divided into so many compactly located school districts as may be deemed necessary: provided, that no school district shall be formed containing less than one hundred inhabitants. In each school district there shall be elected or appointed annually one school trustee, who shall hold his office three years: provided, that at the first election held under this provision there shall be three trustees elected, whose terms shall be one, two and three years respectively.”

Insert the following:

“ SCHOOL DISTRICTS.

“ § 3. Each magisterial district shall be divided into so many compactly located school districts as may be deemed necessary: provided, that no school district shall be formed containing less than one hundred inhabitants. In each school district there shall be elected or appointed annually one school trustee, who shall hold his office three years: provided, that at the first election held under this provision there shall be three trustees elected, whose terms shall be one, two and three years respectively.”

From the same article strike out the 4th section, which is in these words:

“ ROAD DISTRICTS.

“ § 4. Each township shall be divided into one or more road districts. In each road district there shall be elected annually one overseer of roads, under whose direction the roads shall be kept in repair, at the public expense, in a mode prescribed by law.”

“ SCHEDULE.

“ The legally constituted officers of the several counties and townships of the State at the date of the ratification of these amendments by the people shall continue to discharge the duties of their respective offices until the officers provided for by these amendments shall have been elected or appointed, and qualified. And all bonds or recognizances entered into by any county or township officer for the faithful discharge of the duties of his office shall remain valid and binding, and all rights and liabilities under the same shall continue and may be prosecuted as provided by law.”

2. Resolved, That the clerk of the House of Delegates, or the clerk of the Senate, be authorized and required, or if a vacancy happen in both of said offices, the presiding officer of either house of the General Assembly, be authorized and requested to cause the proposed amendments and these resolutions to be published in some newspaper, published in the city of Richmond, for three months previous to the time of choosing the members of the General Assembly, at the next general election of Senators and members of the House of Delegates.

3. Resolved, That the clerk of the Senate and clerk of the House of Delegates be required to transmit to the General Assembly, to be chosen

at the next general election of Senators and members of the House of Delegates, a certified copy of said amendments and these resolutions, together with a certificate of publication by the publisher of the newspaper in which the proposed amendments shall have been published.

On motion of Mr. Anderson of Rockbridge, the joint resolutions were taken up, read the first, and ordered to be read a second time; and,

On motion of Mr. Penn, were ordered to be printed.

On motion of Mr. Green, Mr. Rue was granted leave of absence for two days.

Mr. Taylor of Loudoun offered the following resolution:

Resolved, That the Senate will meet at 11 o'clock each day the remainder of this session unless otherwise ordered.

The question being on agreeing to the resolution, Mr. Nowlin moved to lay the resolution on the table, and the question being put thereon, was determined in the affirmative, on division—ayes 16, noes 9.

Mr. Kirkpatrick offered the following joint resolution, which lies over under the rules:

Resolved, (the House of Delegates concurring), That the Attorney-General be instructed to enquire whether any dividends had accrued on stock held by the State of Virginia in the Petersburg and Roanoke Railroad Company which was transferred to the city of Petersburg by act passed March 13th, 1849, before the date of such transfer; and if so, whether such accrued and unpaid dividends followed the transfer of said stock; and if in his opinion they did not, he is hereby required to institute the proceedings necessary to recover any amounts due the State.

On motion of Mr. Kirkpatrick, the rules being suspended therefor, the resolution was taken up and agreed to.

On motion of Mr. Kirkpatrick, it was

Ordered, That he inform the House of Delegates thereof and request their concurrence therein.

Joint resolutions to authorize the Board of Public Works to receive the amount due by the Alexandria, Loudoun, and Hampshire Railroad Company and to extend the time for the completion of the Washington and Ohio Railroad to the town of Winchester, was taken up, on motion of Mr. Thomas.

The pending question being on agreeing to the amendment heretofore proposed by Mr. Ward to the second resolution, the same was, by general consent, withdrawn—when

Mr. Cochran moved to amend the 2nd resolution by adding the following proviso:

Provided, That said Company enter into a new contract with the Board of Public Works, waiving and relinquishing any real or supposed right to discharge in coupons any portion of the amount due or hereafter to become due on account of the purchase by said company of the State's interest on said road; and also securing to the State, beyond question, the right to resume control and ownership of the stock sold to said company in case it fail to complete its road to the city of Winchester within three years; and provided further, that in case said company fail to

enter into a new contract, conditioned as aforesaid, within ninety days after the passage of the foregoing resolutions, then the Board of Public Works be and they are hereby required to enforce all rights appertaining to the State under the existing contract.

The question on agreeing to the amendment being put, was determined in the negative—ayes 9, noes 17.

On motion of Mr. Ward, the vote was recorded as follows:

Ayes—Messrs. Cochran, French, Greever, Lackland, Martin, Pridemore, Quesenberry, Smith, and Ward—9.

Noes—Messrs. Anderson of Pittsylvania, Anderson of Rockbridge, Beazley, Greene, Grimsley, Herndon, Holladay, Johnson, Kirkpatrick, Norton, Nowlin, Penn, Rixey, Stevens, Taylor of Loudoun, Thomas, and Wynne—17.

Mr. French made an unsuccessful motion to lay the resolutions on the table.

At the suggestion of Mr. Kirkpatrick, the 2nd resolution was modified by striking out the words “as now exists.”

The question being on the adoption of the resolutions,

Mr. Thomas demanded the pending question, which was ordered.

The President (Mr. Smith in the chair) decided that the resolutions required a constitutional majority to adopt them.

From this decision Mr. Thomas appealed; and the question being put, “Shall the decision of the chair stand as the judgment of the House?” was determined in the negative—ayes 13, noes 17.

On motion of Mr. Cochran, the vote was recored as follows:

Ayes—Messrs. Anderson of Rockbridge, Boykin, Cochran, Connally, French, Greever, Lackland, Martin, Norton, Pridemore, Quesenberry, Robinson, and Ward—13.

Noes—Messrs. Beazley, Fitzpatrick, Greene, Grimsley, Herndon, Holladay, Johnson, Kirkpatrick, Lewis, Meem, Nowlin, Penn, Rixey, Stevens, Taylor of Loudoun, Thomas, and Wynne—17.

The question recurring on the adoption of the resolution, and being put, was determined in the affirmative—ayes 22, noes 9.

On motion of Mr. Cochran, the vote was recorded as follows:

Ayes—Messrs. Anderson of Pittsylvania, Anderson of Rockbridge, Beazley, Boykin, Connally, Fitzpatrick, Greene, Greever, Grimsley, Herndon, Holladay, Johnson, Lewis, Meem, Norton, Nowlin, Penn, Rixey, Stevens, Taylor of Loudoun, Thomas, and Wynne—22.

Noes—Messrs. Cochran, French, Lackland, Martin, Pridemore, Quesenberry, Robinson, Smith, and Ward—9.

On motion of Mr. Taylor of Loudoun, it was

Ordered, That he inform the House of Delegates thereof and request their concurrence therein.

Mr. Wynne presented the report of a committee of the Chamber of Commerce of the city of Richmond on the subject of usury, with a memorial to the Legislatures of the different States of the Union; which, on his motion, was referred to the committee on finance.

Mr. Fitzpatrick, by leave, presented

No. 237, A bill to amend and re-enact section 2 of an act entitled an

act to incorporate Norwood College, approved March 15th, 1872; which, on his motion, was read the first, and ordered to be read a second time, and referred to the committee on public institutions.

Mr. Herndon, by leave, presented

No. 238, A bill to amend and re-enact section 8 of chapter 178 of the Code of 1860, in relation to sales made under decree or order of court; which, on his motion, was read the first, and ordered to be read a second time, and referred to the committee for courts of justice.

On motion of Mr. Penn, the Senate proceeded to consider the order of the day, being joint resolutions expressing the concurrence of the General Assembly on the Governor's recommendation of the assumption of the debts of the several States by the federal government.

The question being on the adoption of the substitute proposed by the committee to whom the subject was referred,

Mr. Kirkpatrick moved that the resolutions be laid on the table; and the question being put thereon, was determined in the negative.

A motion was then made by Mr. Cochran, that the Senate adjourn; and the question being put thereon, was determined in the negative—ayes 14, noes 15.

On motion of Mr. Quesenberry, the vote was recorded as follows:

Ayes—Messrs. Anderson of Pittsylvania, Boykin, Cochran, Fitzpatrick, French, Grimsley, Herndon, Holladay, Johnson, Kirkpatrick, Norton, Stevens, Taylor of Loudoun, and Ward—14.

Noes—Messrs. Anderson of Rockbridge, Beazley, Greene, Greever, Lackland, Lewis, Meem, Penn, Pridemore, Quesenberry, Rixey, Robinson, Smith, Thomas, and Wynne—15.

A motion was then made by Mr. Fitzpatrick to lay the resolutions on the table; and the question being put thereon, resulted, on division—ayes 9, noes 9. No quorum voting—whereupon,

On motion of Mr. French, the Senate adjourned—ayes 15, noes 13.

On motion of Mr. Greever, the vote was recorded as follows:

Ayes—Messrs. Anderson of Pittsylvania, Anderson of Rockbridge, Beazley, Cochran, Fitzpatrick, French, Grimsley, Herndon, Holladay, Johnson, Kirkpatrick, Norton, Stevens, Taylor of Loudoun, and Ward—15.

Noes—Messrs. Greene, Greever, Lackland, Lewis, Meem, Penn, Pridemore, Quesenberry, Rixey, Robinson, Smith, Thomas, and Wynne—13.

SATURDAY, FEBRUARY 22, 1873.

Mr. Thomas, President pro tempore, in the chair.

Mr. Herndon, from the committee for courts of justice, reported without amendment,

No. 238, House bill entitled an act to provide for the publication of a new edition of the Code of Virginia.

Mr. Wynne, from the committee on banks, reported without amendment,

No. 234, Senate bill to incorporate the Farmers' Bank of Lynchburg, Virginia.

Mr. Grimsley, from the committee on county, city and town organizations, reported without amendment,

No. 194, House bill entitled an act to amend section 1 and 2 of chapter 254, Acts of 1855-6, passed December 20th, 1855, in relation to the town of Upperville.

And he, from the same committee, reported without amendment,

No. 101, House bill entitled an act to amend and re-enact the 7th section of an act approved April 2nd, 1870, to provide for dividing the several counties of this State into townships.

Mr. Wynne, from the committee on finance, reported with the recommendation that it be printed for the use of the Senate, the report of committee of the Chamber of Commerce of the city of Richmond on the subject of usury, with a memorial to the Legislatures of the different States of the Union.

On motion of Mr. Wynne, the report was taken up, and ordered to be printed.

On motion of Mr. Taylor of Loudoun, Mr. Fitzpatrick was granted leave of absence for three days.

Senate joint resolutions expressing the concurrence of the General Assembly in the Governor's recommendation of the assumption of the debts of the several States by the federal government, being the unfinished business of yesterday, was taken up; and the question on agreeing to the substitute proposed by the special committee on the subject being put, was determined in the affirmative, and the resolutions as amended were then agreed to.

On motion of Mr. Penn, it was

Ordered, That Mr. Cochran inform the House of Delegates thereof and request their concurrence therein.

No. 52, House bill entitled an act for the preservation of oysters, and to obtain revenue for the privilege of taking them within the waters of the Commonwealth, being the unfinished business of yesterday, was taken up; and the question on the passage thereof being put, was determined in the affirmative—ayes 22, noes 6.

The vote was recorded as follows:

Ayes—Messrs. Anderson of Pittsylvania, Anderson of Rockbridge, Beazley, Boykin, Cochran, Connally, Greever, Grimsley, Herndon, Holladay, Lackland, Meem, Nowlin, Penn, Pridemore, Quesenberry, Rixey, Roller, Smith, Taylor of Loudoun, Thomas, and Ward—22.

Noes—Messrs. Greene, Johnson, Massey, Robinson, Stevens, and Wynne—9.

The title of the bill was then agreed to.

On motion of Mr. Lewis, it was

Ordered, That he inform the House of Delegates of the passage of the bill and request their concurrence in the amendments.

On motion of Mr. Lewis, it was ordered to be entered on the journal that had he been present when the vote was taken on the passage of said bill (House bill No. 52), he would have voted in the affirmative.

On motion of Mr. Anderson of Rockbridge, the committee on roads and internal navigation was discharged from the further consideration of No. 196, Senate bill to regulate the working of the roads of Rockbridge county; and, on his further motion, the said bill was referred to the committee on county, city, and town organizations, with leave to report during the session of the Senate. Subsequently,

Mr. Grimsley, from the committee on county, city, and town organizations, reported the said bill without amendment.

Senate joint resolution authorizing the Board of Public Works to audit the claim of Cock & Collier for work done on the Danville and Wytheville turnpike, was taken up, on motion of Mr. Nowlin; and the question on agreeing thereto being put, was determined in the affirmative.

Ordered, That the clerk inform the House of Delegates thereof and request their concurrence therein.

No. 163, Senate bill to authorize the Governor to hire out convicts in the penitentiary to the Washington, Cincinnati and St. Louis Railroad Company upon certain conditions, was taken up, on motion of Mr. Roller; and the question on the passage thereof being put, was determined in the affirmative—ayes 22, noes 5.

The vote was recorded as follows:

Ayes—Messrs. Anderson of Rockbridge, Beazley, Boykin, Cochran, Connally, Graham, Greene, Grimsley, Holladay, Johnson, Lackland, Lewis, Massey, Nowlin, Penn, Quesenberry, Rixey, Roller, Taylor of Loudoun, Thomas, Ward, and Wynne—22.

Noes—Messrs. Greever, Pridemore, Robinson, Smith, and Stevens—5.

The title of the bill was then agreed to.

Ordered, That the clerk inform the House of Delegates thereof and request their concurrence therein.

No. 236, Senate bill to provide for the payment of interest on the public debt, was, on motion of Mr. Cochran, made the order of the day for Monday at 1 o'clock, and for each day thereafter until disposed of.

Mr. Graham, by leave, presented

No. 238, A bill to provide for the sale of the State's interest in works of internal improvement; which, on his motion, was read the first, and ordered to be read a second time, and referred to the committee on roads and internal navigation.

Mr. Penn, by leave, presented

No. 239, A bill to provide for the safety of State bonds held by the Board of Education for the benefit of certain colleges; which, on his motion, was read the first, and ordered to be read a second time, and referred to the committee on finance.

Mr. Nowlin moved to take up

No. 84, Senate bill providing for the preservation of historical papers—when

Mr. Quesenberry made an unsuccessful motion to adjourn.

The question recurring on the motion to take up the bill, and being put, was determined in the affirmative; and the question on the passage of the bill being put, was determined in the affirmative—ayes 22, noes 4.

The vote was recorded as follows:

Ayes—Messrs. Anderson of Pittsylvania, Anderson of Rockbridge, Beazley, Boykin, Cochran, Connally, Graham, Greene, Grimsley, Holladay, Johnson, Lewis, Massey, Nowlin, Penn, Quesenberry, Rixey, Roller, Stevens, Taylor of Loudoun, Thomas and Wynne—22.

Noes—Messrs. Greever, Lackland, Pridemore, and Robinson—4.

The title of the bill was then agreed to.

Ordered, That the clerk inform the House of Delegates of the passage of the bill and request their concurrence therein.

On motion of Mr. Johnson, Mr. Kirkpatrick was granted leave of absence for two days.

On motion of Mr. Stevens, Mr. Robinson was granted leave of absence for two days.

No. 227, House bill entitled an act to authorize the formation of the Virginia Mining, Manufacturing and Transportation Company, was taken up, on motion of Mr. Ward, read the third time and passed with its title.

On motion of Mr. Ward, it was

Ordered, That he inform the House of Delegates thereof.

Mr. Roller presented the petition of Wm. P. Boyd and other citizens of Central Township of the county of Rockingham for legislation necessary to protect the interests of a certain portion of the citizens of said township; which, on his motion, was referred to the committee on county, city, and town organizations.

Mr. Greever offered the following resolution:

Resolved, That the Senate will proceed on Tuesday next, at 2 o'clock, to vote on Senate bill No. 211, to regulate and define the jurisdiction of the county and circuit courts, to prescribe the number of terms of the circuit courts, and to fix the pay of county judges.

Mr. Taylor of Loudoun moved to amend the resolution so as to provide that the Senate will proceed to the consideration of the said bill on Tuesday next at 1 o'clock; and the question on agreeing to the amendment being put, was determined in the negative.

The question recurring on agreeing to the resolution proposed by Mr. Greever being put, was determined in the affirmative.

No. 211, Senate bill to regulate and define the jurisdiction of the county and circuit courts, to prescribe the number of terms of the circuit courts, and to fix the pay of county judges, was taken up, on motion of Mr. Penn.

The pending question being on the motion heretofore offered to strike out the 3rd section, Mr. French offered the following amendment to the said section, which was agreed to:

Strike out the word "exclusive," in 1st line, 3rd section, and insert at end of section the words "in which the party accused shall waive the right of trial by jury, and when the said party refuses to waive such right the case shall be removed for trial to the circuit court."

On motion of Mr. Anderson of Rockbridge, the 6th section was amended by adding the words "and special terms of circuit courts may be held as now provided by law."

On motion of Mr. Penn, the 4th section was amended by inserting after the word "felonies," in the 4th line, the words "and for indictments, informations, and presentments for misdemeanors, in which the party accused may demand a trial by jury."

The question recurring on the motion to strike out the 3rd section, and being put, was determined in the negative.

On motion of Mr. Hundley, the following amendments were agreed to :

Insert after the word "accounts," in line 2nd, section 8th, the following words : " and commissioners in chancery."

Insert at the end of section 8, the following words :

" Provided, That the judge of the circuit court may at any time appoint one or more additional commissioners in chancery for any county where from any cause the county judge shall decline or be unable to discharge the duties of commissioner in chancery."

Mr. Hundley moved to amend the 5th section by adding at the end thereof the words "one of which may, in the discretion of the judge, be set apart for the trial of chancery and criminal cases exclusively;" and the question being put thereon, was determined in the negative.

Mr. Anderson of Rockbridge moved to amend the 7th section by striking out, in the 1st line, the words "one hundred dollars," and inserting in lieu thereof the words "not less than one hundred nor more than three hundred dollars, to be fixed by the Board of Supervisors of the county."

Mr. Lackland offered the following as a substitute for the amendment :

Strike out the words "a salary of one hundred dollars," and insert in lieu thereof the words "an annual salary of twenty-five dollars, and, in addition thereto, the sum of five dollars per day for the time necessarily employed in holding his courts."

The question on the adoption of the substitute being put, was determined in the negative.

The question recurring on the adoption of the amendment proposed by Mr. Anderson of Rockbridge,

Mr. Lackland offered the following as a substitute for the same :

Strike out the words "one hundred dollars," in the first and second lines of the 2nd section, and insert in lieu thereof the words "one hundred and fifty dollars;" and the question being put thereon, was determined in the negative.

The question recurring on the amendment offered by Mr. Anderson of Rockbridge, and being put, was determined in the affirmative—when,

On motion of Mr. Nowlin, the Senate adjourned until Monday, twelve o'clock.

MONDAY, FEBRUARY 24, 1873.

Mr. Thomas, President pro tempore, in the chair.

A communication from the House of Delegates, by their clerk, was read as follows:

In House of Delegates, February 22, 1873.

The House of Delegates have passed Senate bills entitled an act to amend and re-enact an act entitled an act providing for the re-assessment of lands in the Commonwealth, passed February 1st, 1872, so as to enable those counties in the State which failed to avail themselves of the provisions of said act to do so, No. 2; an act to authorize the Liberty and Rocky Mount Narrow Gauge Railroad Company to extend its road from Rocky Mount to the North Carolina line, No. 101; an act for the relief of the sureties of William M. Hume, deceased, late sheriff of Fauquier county, No. 144; an act to amend and re-enact the 5th section of an act in force March 20th, 1872, entitled an act to amend and re-enact sections 4 and 5 of the act relating to fences, and for the protection of crops, passed January 26th, 1866, No. 189; and an act to amend and re-enact section 7 of an act in force March 26th, 1872, entitled an act to incorporate the Old Dominion Construction Company, No. 188; and have agreed to Senate joint resolutions in regard to the centennial celebration and international exhibition.

They have passed with amendments Senate bills entitled an act to incorporate the Franklin Toll-bridge across Staunton river, in the counties of Campbell and Halifax, No. 169; and an act declaring and prescribing what fees a justice of the peace may charge for services connected with the trial of warrants for small claims, No. 74; in which they respectfully request the concurrence of the Senate.

No. 169, Senate bill entitled an act to incorporate the Franklin Toll-bridge across Staunton river, in the counties of Campbell and Halifax, with the amendment proposed by the House of Delegates, was taken up, and, on motion of Mr. Taylor of Loudeoun, was laid on the table.

No. 74, Senate bill entitled an act declaring and prescribing what fees a justice of the peace may charge for services connected with the trial of warrants for small claims, with the amendment proposed by the House of Delegates, was taken up, and, on motion of Mr. Lackland, referred to the committee for courts of justice.

Mr. Johnson, from the committee on general laws, reported without amendment,

No. 121, House bill entitled an act to protect fish in the Clinch river from the line of Scott county to the Tazewell county line, which was taken up, on motion of Mr. Smith, read the third time, and passed with its title.

Ordered, That the clerk inform the House of Delegates thereof.

He, from the same committee, reported without amendment,

No. 191, House bill entitled an act for the relief of Edgar Allan of Farmville, Prince Edward county.

He, from the same committee, reported with the recommendation that it do not pass,

No. 124, House bill entitled an act to amend section 8, chapter 102 of Code, in relation to rewards for killing noxious animals.

And he, from the same committee, reported with amendments,

No. 168, House bill entitled an act to authorize the legal voters of certain counties to vote upon the question of negotiating a loan or loans, and to issue bonds for and in the name of said counties, for the purpose of establishing a steamboat line between the landings on the Rappahannock river and the city of Baltimore, Maryland, or Norfolk, or both.

Mr. Anderson of Pittsylvania, from the committee on finance, reported without amendment,

No. 161, House bill entitled an act for the relief of Thomas A. and W. R. Bryan.

And he, from the same committee, reported without amendment,

No. 119, House bill entitled an act for the relief of Wm. E. Grigsby of King George county.

No. 211, Senate bill to regulate and define the jurisdiction of the county and circuit courts, to prescribe the number of terms of the circuit courts, and to fix the pay of county judges, being the unfinished business of Saturday, was taken up—when

Mr. Taylor of Loudoun moved to amend the bill by striking out the whole of the 10th section, and inserting in lieu thereof the following:

“§ 10. This act shall be submitted to the voters of this State at the fall elections of this year, and be in force from the 1st of January, 1874; provided, it shall have been adopted;” and the question being put thereon, was determined in the negative.

Mr. Anderson of Rockbridge made a motion (modified at the suggestion of Mr. Hundley) to amend the bill by inserting after the word “thereof,” in the 6th line of 8th section, the words “and he may employ as many deputies as may be necessary for the discharge of the duties imposed upon him by this section as commissioner of accounts; and such deputies shall be invested with the same authority and duties which have been heretofore conferred upon commissioners of accounts.”

The question on agreeing to the amendment being put, was determined in the affirmative.

An unsuccessful motion was made by Mr. Ward to amend the bill by adding at the end of the 5th section these words:

“Provided, that one of the terms shall be for the trial of chancery causes.”

Mr. Lackland moved to amend the 7th section by striking out the words “in any county or district which has a population of more than eight thousand, ten dollars shall be added to the salary for each thousand of population in excess of eight thousand;” and the question being put thereon, was determined in the affirmative—ayes 14, noes 8.

On motion of Mr. Nowlin, the vote was recorded as follows:

Ayes—Messrs. Boykin, Greene, Holladay, Hundley, Lackland, Massey, Nowlin, Patterson, Rixey, Rue, Smith, Taylor of Loudoun, Ward, and Wynne—14.

Noes—Messrs. Anderson of Rockbridge, Beazley, French, Grimsley, Johnson, Martin, Pridemore, and Thomas—8

On motion of Mr. Anderson of Rockbridge, the bill was laid on the table.

A message was received from the House of Delegates by Mr. O'Ferrall, who informed the Senate that that House had passed a bill entitled an act to amend and re-enact section 14 of chapter 177 of the Code of 1860, in relation to interest.

A message was received from the House of Delegates by Mr. Wall, who informed the Senate that that House had passed a bill entitled an act in relation to the interest on money or other thing.

No. 173, Senate bill to prevent forced sales of personal property, was taken up, on motion of Mr. Rixey, and the question on the passage thereof being put, was determined in the affirmative—ayes 17, noes 9.

On motion of Mr. Nowlin, the vote was recorded as follows:

Ayes—Messrs. Cochran, Connally, French, Graham, Grimsley, Holladay, Lackland, Martin, Massey, Patterson, Rixey, Rue, Smith, Taylor of Loudoun, Thomas, Ward, and Wynne—17.

Noes—Messrs. Anderson of Pittsylvania, Anderson of Rockbridge, Beazley, Boykin, Greene, Hundley, Johnson, Nowlin, and Pridemore—9.

Mr. Connally moved to reconsider the vote by which the bill passed.

Mr. Nowlin moved to lay the motion on the table; and the question being put thereon, was determined in the affirmative—ayes 16, noes 8.

On motion of Mr. Taylor of Loudoun, the vote was recorded as follows:

Ayes—Messrs. Anderson of Pittsylvania, Anderson of Rockbridge, Beazley, Boykin, Cochran, Graham, Holladay, Hundley, Johnson, Lackland, Nowlin, Patterson, Pridemore, Smith, Thomas, and Wynne—16.

Noes—Messrs. French, Greene, Grimsley, Martin, Rixey, Rue, Taylor of Loudoun, and Ward—8.

No. 78, Senate bill providing for the future extension of the corporate limits of the city of Richmond, was taken up, on motion of Mr. Wynne—when,

On motion of Mr. Holladay, the vote by which the bill was ordered to its engrossment and third reading was reconsidered; and,

On motion of Mr. Hundley, the bill was laid on the table.

No. 231, Senate bill to authorize the corporate authorities of Winchester and the supervisors of Frederick county to subscribe to the capital stock of the Shenandoah Valley Agricultural Society, was taken up, on motion of Mr. Ward, read the second, and ordered to be engrossed and read a third time.

On motion of Mr. Anderson of Rockbridge, the use of the Senate chamber was granted to the Society of Alumni of the University of Virginia for Wednesday evening next.

No. 221, Senate bill to amend and re-enact sections 5 and 13 of the act in force March 22nd, 1872, entitled an act to amend and re-enact certain acts in relation to the town of Fincastle, in the county of Botetourt, and to extend the corporate limits of said town, was taken up, on motion of

Mr. Lackland, read the second, and ordered to be engrossed and read a third time.

No. 218, Senate bill to increase the capital stock of the Petersburg Gas Light Company, was taken up, on motion of Mr. Greene; and,

On motion of Mr. Taylor of Loudoun, was recommitted to the committee on general laws.

On motion of Mr. Boykin, Mr. Lewis was granted leave of absence for three days.

No. 236, Senate bill to provide for the payment of interest on the public debt, being the order of the day, was taken up, on motion of Mr. Cochran, and read the second time.

On motion of Mr. Thomas, the bill was amended by inserting after the second section the following independent section:

“§ 3. Upon the payment into the treasury of the interest falling due the 1st day of January, 1873, as hereinbefore provided, it shall be the duty of the Auditor of Public Accounts, the Second Auditor, and Treasurer, who are hereby constituted a board for that purpose, to ascertain and determine, having regard to the surplus in the treasury and the accruing revenues, as well as the demands against the treasury for the interest payable on the 1st day of July, 1873, and the amount necessary for the support of the government, what amount may be paid upon the unpaid interest falling due the 1st day of January, 1872; and after they shall have so ascertained and determined, it shall be the duty of the Auditor of Public Accounts to pay said amount into the treasury, subject to the warrant of the Second Auditor, and the same shall be paid in accordance with the provisions of this act, the amounts hereinbefore provided being all the Commonwealth is able to pay at this time.”

On motion of Mr. Cochran, the second section was amended by inserting after the word “paid,” in the 12th line, the words “except as herein-after provided;” and by striking out, in the 13th line, all after the word “to,” and inserting in lieu thereof the words “interest falling due in the year 1873.”

On motion of Mr. Cochran, the 4th section was amended by inserting after the word “as,” in the 2nd line, the word “have,” and by inserting after the word “received” the words “or may receive,” and by inserting after the word “under,” in the 3rd line, the words “the provisions of this act and.”

On motion of Mr. Cochran, the 6th section was amended by adding at the end thereof the words “and every interest-certificate issued by authority of this act, shall, in the case of coupons, be payable to bearer; and on registered stock, to bearer or order, at the option of the holder.”

Mr. Nowlin moved further to amend the bill by adding at the end of the 2nd section the following proviso:

“And provided, that the interest hereafter paid to the incorporated colleges and other seminaries of learning in this State, shall be at the same rate as is herein provided to be paid to the other creditors of the State; and all acts and parts of acts inconsistent with this act are hereby repealed.”

The question being on agreeing to the amendment—and pending which,

On motion of Mr. Boykin, the bill was laid on the table.

No. 215, Senate bill imposing taxes for the support of the government and free schools, and to pay the interest on the public debt, was taken up, on motion of Mr. Thomas, read the second time, and, on his further motion, was laid on the table and made the order of the day for Wednesday next, at half-past twelve o'clock.

On motion of Mr. Nowlin, the Senate adjourned until to-morrow, twelve o'clock.

TUESDAY, FEBRUARY 25, 1873.

Mr. Thomas, President pro tempore, in the chair.

A communication from the House of Delegates, by their clerk, was read as follows:

In House of Delegates, February 24, 1873.

The House of Delegates have passed House bills entitled an act to authorize the County School Board of Elizabeth City county to borrow money for the purpose of erecting a high school in the town of Hampton, No. 123; and an act to incorporate the Masonic Relief and Banking Association, No. 235; in which they respectfully request the concurrence of the Senate.

No. 235, House bill entitled an act to incorporate the Masonic Relief and Banking Association, was taken up, twice read, and, on motion of Mr. Ward, the rule requiring the commitment of the same being suspended, was read the third time and passed with its title.

On motion of Mr. Ward, it was

Ordered, That he inform the House of Delegates thereof.

No. 123, House bill entitled an act to authorize the County School Board of Elizabeth City county to borrow money for the purpose of erecting a high school in the town of Hampton, was taken up, twice read, and referred to the committee on public institutions.

No. 125, House bill entitled an act to amend and enact section 14 of chapter 177 of the Code of 1860, in relation to interest, was taken up, twice read, and referred to the committee for courts of justice.

No. 159, House bill entitled an act in relation to the interest on money or other thing, was taken up, twice read—when

Mr. Hundley moved to suspend the rule requiring a commitment of the bill; and the question being put thereon, was determined in the negative—ayes 11, noes 17.

On motion of Mr. Quesenberry, the vote was recorded as follows:

Ayes—Messrs. Beazley, Greever, Grimsley, Hundley, Lackland, Patterson, Pridemore, Quesenberry, Rixey, Smith, and Ward—11.

Noes—Messrs. Anderson of Pittsylvania, Anderson of Rockbridge, Boykin, Cochran, Greene, Herndon, Holladay, Johnson, Martin, Meem, Norton, Nowlin, Rue, Stevens, Taylor of Loudoun, Thomas, and Wythe
—17.

The bill was then referred to the committee for courts of justice.

A message was received from the House of Delegates by Mr. Hill, who informed the Senate that that House had passed a bill entitled an act to authorize the sureties of James S. Barksdales, as late sheriff of Albemarle, to discharge the judgment against them in favor of the Commonwealth with the bonds of the Commonwealth, No. 4; which was taken up, twice read, and referred to the committee on finance.

Mr. Herndon, from the committee for courts of justice, reported without amendment,

No. 134, House bill entitled an act to authorize the guardian of John P. Boyd, an infant, to convey certain real estate belonging to said infant in the State of Alabama.

He, from the same committee, reported with the recommendation that it do not pass,

No. 104, House bill entitled an act to amend and re-enact section 1 of chapter 150 of the Code of 1860, extending the jurisdiction of justices in civil cases to one hundred dollars.

He, from the same committee, reported without amendment,

No. 202, House bill entitled an act to authorize the issue of duplicate land warrants, &c., where the originals have been lost or destroyed.

He, from the same committee, reported with the recommendation that the Senate disagree to the amendment proposed by the House of Delegates,

No. 74, Senate bill entitled an act declaring and prescribing what fees a justice of the peace may charge for services connected with the trial of warrants for small claims.

And he, from the same committee, reported with amendments,

No. 223, Senate bill to amend and re-enact section 5 of chapter 192 of the Code of 1860, in relation to offences against property, so as to punish more rigorously in certain cases the crime of arson.

Mr. Boykin, by leave, presented

No. 240, A bill to incorporate the Suffolk Lumber Company; which, on his motion, was read the first, and ordered to be read a second time, and referred to the committee on general laws.

Mr. Taylor of Loudoun presented regulations of the Commercial Exchange of Alexandria in relation to the interest law; which, on his motion, was referred to the committee for courts of justice.

Mr. Nowlin presented the petition of the Board of School Trustees of Speedwell school district, in the county of Wythe, asking a division of said school district; which, on his motion, was referred to the committee on public institutions.

Mr. Thomas (in the chair) laid before the Senate the memorial of the yearly meeting of the Society of Friends, asking that the death penalty for crime may be changed to imprisonment at labor for a term of years, or for life; which, on his motion, was referred to the committee for courts of justice.

On motion of Mr. Greever,

Resolved, That the committee on public institutions be instructed to enquire into the expediency of providing more effectually for the pro-

tection of the public buildings from injury or destruction by fire, and also as to the merits of the best fire extinguisher.

On motion of Mr. Ward,

Resolved, That the committee on public institutions enquire into the expediency of so amending the law as to provide that school trustees shall be elected by the qualified voters in their school districts.

On motion of Mr. Quesenberry,

Resolved, That the 18th rule of the Senate, which requires bills and resolutions from the House of Delegates to remain under the control of the Senate for the space of two days after passage or rejection, be suspended for the remainder of the session.

No. 211, Senate bill to regulate and define the jurisdiction of the county and circuit courts, to prescribe the number of terms of the circuit courts, and to fix the pay of county judges, was taken up, on motion of Mr. Pridemore—when

Mr. Lackland moved to amend the bill by adding at the end of the 8th section, after the amendment providing for the appointment of deputy commissioners, &c., the words “but where exceptions shall be taken to the settlement of the accounts of any fiduciary, made by such county judge or any of his deputies, such settlement, with the exceptions thereto, shall, if any party interested desire it, be removed for adjudication to the circuit court of such county.”

The question on agreeing to the amendment being put, was determined in the negative.

The question on ordering the bill to its engrossment and third reading being put, was determined in the affirmative—ayes 19, noes 9.

On motion of Mr. Quesenberry, the vote was recorded as follows:

Ayes—Messrs. Anderson of Rockbridge, Cochran, French, Greever, Holladay, Hundley, Johnson, Lackland, Martin, Nowlin, Patterson, Pridemore, Quesenberry, Rixey, Rue, Smith, Thomas, Ward, and Wynne—19.

Noes—Messrs. Anderson of Pittsylvania, Beazley, Boykin, Connally, Massey, Meem, Norton, Taylor of Loudoun, and Taylor of Norfolk city —9.

No. 11, Senate bill to amend and re-enact an act continuing the payment of interest and dividends to the incorporated colleges or other seminaries of learning in the State, approved March 20th, 1872, was taken up, on motion of Mr. Nowlin, and he thereupon offered a substitute for the bill; and the question being on agreeing to the substitute,

Mr. Lackland moved to amend the same by striking out all of the said substitute after the word “State,” in the 5th line of 1st section, and inserting in lieu of the words stricken out the words “be and the same is hereby repealed.”

The question on agreeing to the amendment being put, was determined in the negative—ayes 9, noes 16.

On motion of Mr. Lackland, the vote was recorded as follows:

Ayes—Messrs. Greever, Johnson, Lackland, Martin, Nowlin, Pridemore, Rue, Ward, and Wynne—9.

Noes—Messrs. Anderson of Pittsylvania, Anderson of Rockbridge, Beazley, Connally, French, Greene, Grimsley, Herndon, Holladay, Hundley, Massey, Meem, Norton, Quesenberry, Taylor of Loudoun, and Thomas—16.

The question recurring on the adoption of the substitute, and being put, was determined in the affirmative; and the bill as amended was ordered to be engrossed and read a third time.

No. 216, Senate bill to authorize the Board of Public Works to sell the State's interest in the Upper Appomattox Company, was taken up, and read the third time—when

Mr. Pridemore made an unsuccessful motion to lay the bill on the table.

The question on the passage of the bill being put, was determined in the affirmative—ayes 25, noes 4.

The vote was recorded as follows:

Ayes—Messrs. Anderson of Pittsylvania, Anderson of Rockbridge, Beazley, Boykin, Cochran, Connally, French, Grimsley, Herndon, Holladay, Hundley, Johnson, Martin, Meem, Norton, Patterson, Pridemore, Rixey, Rue, Stevens, Taylor of Loudoun, Taylor of Norfolk city, Thomas, Ward, and Wynne—25.

Noes—Messrs. Greever, Lackland, Quesenberry, and Smith—4.

The title of the bill was then agreed to.

Ordered, That he inform the House of Delegates thereof and request their concurrence therein.

No. 236, Senate bill to provide for the payment of the interest on the public debt, was taken up, on motion of Mr. Cochran; and the pending question being on agreeing to the amendment proposed on yesterday by Mr. Nowlin to the 2nd section of the bill,

Mr. Taylor of Loudoun demanded the pending question, which was ordered; and being put, was determined in the negative—ayes 11, noes 18.

On motion of Mr. Lackland the vote was recorded as follows:

Ayes—Messrs. Boykin, French, Greever, Herndon, Lackland, Martin, Nowlin, Patterson, Pridemore, Smith, and Ward—11.

Noes—Messrs. Anderson of Pittsylvania, Anderson of Rockbridge, Beazley, Cochran, Connally, Greene, Grimsley, Holladay, Hundley, Johnson, Meem, Norton, Quesenberry, Rixey, Taylor of Loudoun, Taylor of Norfolk city, Thomas, and Wynne—18.

On motion of Mr. Cochran the independent section, agreed to yesterday was amended by inserting after the words "January, 1872," the words "and 1st July, 1872."

On motion of Mr. Cochran, the 6th section (the 5th in bill as printed) was amended by striking out the words "number and."

The bill as amended was then ordered to be engrossed and read a third time.

No. 191, House bill entitled an act for the relief of Edgar Allan of Farmville, Prince Edward county, was taken up, on motion of Mr. Greene, and read the third time—when

Mr. Hundley moved to adjourn; and the question being put thereon, was determined in the negative, on division—ayes 8, noes 17.

The question being on the passage of the bill,

Mr. Quesenberry demanded the pending question, which was ordered; and being put, was determined in the affirmative—ayes 25, noes 2.

The vote was recorded as follows:

Ayes—Messrs. Anderson of Pittsylvania, Anderson of Rockbridge, Beazley, Boykin, Cochran, Connally, Greene, Grimsley, Holladay, Johnson, Lackland, Meem, Norton, Nowlin, Patterson, Pridemore, Quesenberry, Rixey, Rue, Smith, Stevens, Taylor of Loudoun, Taylor of Norfolk city, Ward, and Wynne—25.

Noes—Messrs. Greever and Herndon—2.

On motion of Mr. Meem, the Senate adjourned until to-morrow, twelve o'clock.

WEDNESDAY, FEBRUARY 26, 1873.

A communication from the House of Delegates, by their clerk, was read as follows:

In House of Delegates, February 25, 1873.

The House of Delegates have passed Senate bills entitled an act to encourage donations to the University of Virginia, and to constitute the State of Virginia the trustee thereof, No. 17; an act to amend and re-enact section 14 of chapter 130 of the Code of 1860, as amended, in relation to property not to be sold by personal representative, No. 134; an act giving the consent of this State to the purchase by the United States of two tracts of land in the counties of Henrico and Hanover, to be used for military cemeteries, and exempting the same from State and county taxes, No. 147; an act to amend the 1st section of an act entitled an act to amend and re-enact an act to authorize the circuit courts of the Commonwealth to grant charters of incorporation, and to repeal sections 4, 5, 6, 7, 8, 9, and 10 of chapter 65, and section 54 of chapter 57 of the Code of Virginia (edition of 1860), approved March 20th, 1871, in force March 21st, 1872, authorizing judges in vacation to amend charters of incorporation, No. 149; an act to amend and re-enact the 3rd section of the act passed July 9th, 1870, incorporating the Fairfax County Narrow Gauge Elevated Railroad Company, No. 157; an act to provide a new charter for the city of Portsmouth, No. 165; an act to amend and re-enact the 1st section of the act passed March 4th, 1872, amending and re-enacting the act passed July 11th, 1870, entitled an act to incorporate the Potomac and Manassas Railroad Company, No. 168; an act to amend and re-enact section 3 of an act passed January 13th, 1831, entitled an act incorporating the Danville Female Academy, No. 179; and an act to authorize the Common Council of Petersburg to issue bonds of the city to the amount of forty thousand dollars for public school purposes, No. 193.

They have passed House bills entitled an act to amend and re-enact

chapter 62 of the Acts of 1871-72, approved February 2nd, 1872, entitled an act authorizing the collection of the unpaid taxes of the county of Orange for the years 1868 and 1869, No. 128; an act for the relief of John W. Myers of Highland county, No. 130; an act for the relief of the sureties of H. G. Wax, township collector in the Estillville township, Scott county, No. 131; an act for the protection of the coal lands of Virginia from injury or destruction by fire, No. 135; an act to amend and re-enact section 41 of an act entitled an act prescribing the duties and compensation of county officers, approved March 13th, 1872, No. 137; an act to amend and re-enact section 13, chapter 128 of the Code of Virginia (edition of 1860), and to extend the powers of circuit courts in relation to the estates of infants, No. 138; an act to admit persons over twenty-one years of age into the public free schools on payment of tuition fees, No. 142; an act to amend and re-enact section 48 of an act entitled an act to establish and maintain a uniform system of public free schools, approved July 11th, 1870, No. 143; an act to amend 47th section of chapter 370, Acts of 1871-72, in relation to payment of capitation tax by fathers sending their children to the public free schools, No. 144; an act to amend and re-enact an act approved March 23rd, 1872, entitled an act to amend and re-enact the 9th section of the act approved March 31st, 1871, to incorporate the Richmond and Henrico Railroad, Turnpike and Graded Road Company, No. 146; an act declaring Smith's river, in the county of Henry, a lawful fence, No. 148; an act to amend and re-enact section 75 of chapter 230 of Acts of 1871-72, as to duties and compensation of certain township officers, approved July 11th, 1872, and acts amendatory thereof, No. 149; an act authorizing mechanics to sell for repairs personal property, No. 151; an act to amend and re-enact the 3rd section of the 172nd chapter of the Code of Virginia (edition of 1860), in relation to special pleas of set-off, No. 154; an act to provide for the relinquishment to the United States, in certain cases, of title to lands for sites for light-stations on the coasts and waters of this State, No. 157; an act to amend the 1st section of chapter 201 of the Code of 1860, as amended by the 1st section of an act entitled an act to revise and amend the criminal procedure, passed April 27th, 1867, so as to confer on notaries public the powers of conservators of the peace, No. 160; an act to incorporate Henderson Lodge, No. 105, Independent Order of Odd Fellows, situated in the town of Manchester, No. 164; and an act to preserve all rights and remedies imperiled or destroyed by the loss or destruction of papers filed in the various public offices of the Commonwealth, No. 165.

And have agreed to House joint resolutions giving the consent of the State of Virginia to the Berlin Bridge Company to build a bridge across the Potomac river at Berlin, No. 147; and joint resolution appropriating a sum of money to replace Houdon's statue of Washington in the rotunda of the capitol, No. 156; and a concurrent resolution for the appointment of a joint committee to visit the Central Lunatic Asylum, &c.; in which bills, joint resolutions, and concurrent resolution, they respectfully request the concurrence of the Senate.

No. 128, House bill entitled an act to amend and re-enact chapter 62 of the Acts of 1871-72, approved February 2nd, 1872, entitled an act authorizing the collection of the unpaid taxes of the county of Orange for the years 1868 and 1869, was taken up, twice read, and, on motion of Mr. Grimsley, the rule requiring the commitment of the same being suspended, was read the third time and passed with its title.

Ordered, That the clerk inform the House of Delegates thereof.

No. 130, House bill entitled an act for the relief of John W. Myers of Highland county, was taken up, twice read, and, on motion of Mr. Cochran, the rule requiring the commitment of the same being suspended, was read the third time; and the question on the passage thereof being put, was determined in the affirmative—ayes 26, noes 5.

The vote was recorded as follows:

Ayes—Messrs. Anderson of Pittsylvania, Anderson of Rockbridge, Beazley, Boykin, Cochran, Connally, French, Greene, Grimsley, Herndon, Holladay, Hundley, Johnson, Massey, Meem, Norton, Nowlin, Nutting, Quesenberry, Rixey, Roller, Rue, Stevens, Taylor of Norfolk city, Ward, and Wynne—26.

Noes—Messrs. Greever, Kirkpatrick, Martin, Pridemore, and Thomas —5.

The title was then agreed to.

Ordered, That the clerk inform the House of Delegates thereof.

No. 131, House bill entitled an act for the relief of the sureties of H. G. Wax, township collector in the Estillville township, Scott county, was taken up, twice read, and, on motion of Mr. Pridemore, the rule requiring the commitment of the same being suspended, was read the third time; and the question on the passage thereof being put, was determined in the affirmative—ayes 28, noes none.

The vote was recorded as follows:

Ayes—Messrs. Anderson of Pittsylvania, Anderson of Rockbridge, Beazley, Boykin, Cochran, French, Graham, Greene, Greever, Grimsley, Herndon, Holladay, Hundley, Johnson, Kirkpatrick, Massey, Meem, Nutting, Patterson, Pridemore, Quesenberry, Rixey, Rue, Stevens, Taylor of Loudoun, Taylor of Norfolk city, Thomas, and Ward—28.

Noes—none.

The title was then agreed to.

Ordered, That the clerk inform the House of Delegates thereof.

No. 135, House bill entitled an act for the protection of the coal lands of Virginia from injury or destruction by fire, was taken up, twice read, and referred to the committee for courts of justice.

No. 137, House bill entitled an act to amend and re-enact section 41 of an act entitled an act prescribing the duties and compensation of county officers, approved March 13th, 1872, was taken up, twice read, and referred to the committee on county, city, and town organizations.

No. 138, House bill entitled an act to amend and re-enact section 13, chapter 128 of the Code of Virginia (edition of 1860), and to extend the powers of circuit courts in relation to the estates of infants, was taken up, twice read, and referred to the committee for courts of justice.

No. 142, House bill entitled an act to admit persons over twenty-one

years of age into the public free schools on payment of tuition fees, was taken up, twice read, and referred to the committee on public institutions.

No. 143, House bill entitled an act to amend and re-enact section 48 of an act entitled an act to establish and maintain a uniform system of public free schools, approved July 11th, 1870, was taken up, twice read, and referred to the committee on public institutions.

No. 144, House bill entitled an act to amend 47th section of chapter 370, Acts of 1871-72, in relation to payment of capitation tax by fathers sending their children to the public free schools, was taken up, twice read, and referred to the committee on public institutions.

No. 146, House bill entitled an act to amend and re-enact an act approved March 23rd, 1872, entitled an act to amend and re-enact the 9th section of the act approved March 31st, 1871, to incorporate the Richmond and Henrico Railroad, Turnpike and Graded Road Company, was taken up, twice read, and referred to the committee on roads and internal navigation.

No. 148, House bill entitled an act declaring Smith's river, in the county of Henry, a lawful fence, was taken up, twice read, and, on motion of Mr. Patterson, the rule requiring the commitment of the same being suspended, was read the third time and passed with its title.

Ordered, That the clerk inform the House of Delegates thereof.

No. 149, House bill entitled an act to amend and re-enact section 75 of chapter 230 of Acts of 1871-72, as to duties and compensation of certain township officers, approved July 11th, 1872, and acts amendatory thereof, was taken up, twice read, and referred to the committee on county, city, and town organizations.

No. 151, House bill entitled an act authorizing mechanics to sell for repairs personal property, was read twice, and referred to the committee for courts of justice.

No. 154, House bill entitled an act to amend and re-enact the 5th section of the 172nd chapter of the Code of Virginia (edition of 1860), in relation to special pleas of set-off, was read twice, and referred to the committee for courts of justice.

No. 157, House bill entitled an act to provide for the relinquishment to the United States, in certain cases, of title to lands for sites for light-stations on the coasts and waters of this State, was read twice, and referred to the committee for courts of justice.

No. 160, House bill entitled an act to amend the 1st section of chapter 201 of the Code of 1860, as amended by the 1st section of an act entitled an act to revise and amend the criminal procedure, passed April 27th, 1867, so as to confer on notaries public the powers of conservators of the peace, was read twice, and referred to the committee for courts of justice.

No. 164, House bill entitled an act to incorporate Henderson Lodge, No. 105, Independent Order of Odd Fellows, situated in the town of Manchester, was read twice, and referred to the committee on general laws.

No. 165, House bill to preserve all rights and remedies imperiled or

destroyed by the loss or destruction of papers filed in the various public offices of the Commonwealth, was read twice, and referred to the committee for courts of justice.

No. 147, House joint resolution entitled joint resolution giving the consent of the State of Virginia to the Berlin Bridge Company to build a bridge across the Potomac river at Berlin, was read twice, and, on motion of Mr. Taylor of Loudoun, the rule requiring the commitment of the same being suspended, was read the third time; and the question on agreeing thereto being put, was determined in the affirmative.

Ordered, That the clerk inform the House of Delegates thereof.

No. 156, House joint resolution entitled joint resolution appropriating a sum of money to replace Houdon's statue of Washington in the rotunda of the capitol, was read twice, and, on motion of Mr. Anderson of Pittsylvania, the rule requiring the commitment of the same was suspended.

On motion of Mr. Grimsley, the vote by which the rule was suspended was reconsidered; and,

On motion of Mr. Thomas, the joint resolution was referred to the committee for courts of justice.

Joint resolution from the House of Delegates for the appointment of a joint committee to visit the Central Lunatic Asylum, was taken up, and read as follows:

Resolved (the Senate concurring), That a committee of five be appointed (three on the part of the House and two on the part of the Senate) to visit the Central Lunatic Asylum and report the true condition of affairs in the institution, viz: The treatment of patients, length of time they have been there, the number of children born there, and the condition of mothers upon entering the institution, the number of deaths and causes thereof; and that said committee, if necessary, shall have power to send for persons and papers, provided it shall be no cost to the State.

The question on the adoption of the joint resolution being put, was determined in the affirmative.

The President appointed as the committee on the part of the Senate Messrs. Holladay and Greene.

On motion of Mr. Greene, it was

Ordered, That he inform the House of Delegates of the adoption of the joint resolution.

A message was received from the House of Delegates by Mr. Watts, who informed the Senate that that House had agreed to the following joint resolution:

Resolved by the General Assembly, That the present session of the Legislature be and is hereby extended for a period not exceeding thirty days from the 3rd day of March, 1873, as provided for in the Constitution.

The resolution was taken up, and the question on agreeing thereto being put, was determined in the affirmative—ayes 28, noes 8.

On motion of Mr. Connally, the vote was recorded as follows:

Ayes—Messrs. Anderson of Pittsylvania, Anderson of Rockbridge,

Beazley, Boykin, Cochran, Graham, Grimsley, Herndon, Holladay, Hundley, Johnson, Kirkpatrick, Martin, Meem, Norton, Nowlin, Nutting, Patterson, Queseberry, Rixey, Roller, Rue, Stevens, Taylor of Loudoun, Taylor of Norfolk city, Thomas, Ward, and Wynne—28.

Noes—Messrs. Connally, French, Greene, Lackland, Lathrop, Massey, Pridemore, and Smith—8.

Ordered, That the clerk inform the House of Delegates thereof.

Mr. Cochran, from the committee on finance, reported without amendment,

No. 4, House bill entitled an act to authorize the sureties of James S. Barksdale, as late sheriff of Albemarle, to discharge the judgment against them in favor of the Commonwealth with the bonds of the Commonwealth.

Mr. Anderson of Rockbridge, from the committee on public institutions, reported without amendment,

No. 115, House bill entitled an act to repeal the act entitled an act to amend and re-enact section 12 of chapter 34 of Code of 1860, in relation to certain debts due the Virginia Military Institute, approved March 4th, 1871, and to re-enact the said section of the said chapter of the Code.

He, from the same committee, reported with amendments,

No. 232, Senate bill to amend and re-enact section 1 of chapter 86 of the Code of 1860, in relation to the establishment of hospitals by counties and cities of the State.

He, from the same committee, reported without amendment, and fix the tax on the bill at twenty-five dollars,

No. 237, Senate bill to amend and re-enact section 2 of an act entitled an act to incorporate Norwood College, approved March 15th, 1872.

And he, from the same committee, presented

No. 241, A bill to secure the capitol and State court-room more effectually against fire.

Mr. Grimsley, from the committee on county, city, and town organizations, reported with a substitute therefor,

No. 79, House bill entitled an act to amend and re-enact sections 6, 14, and 27 of an act providing a charter for the city of Norfolk, in force March 16th, 1871, as amended by an act in force March 4th, 1872.

Mr. Thomas presented a substitute for House bill

No. 159, Entitled an act in relation to interest on money or other thing; which, on his motion, was ordered to be printed.

Mr. Cochran, by leave, presented

No. 242, A bill to authorize the issue of land warrants for small quantities in lieu of warrants heretofore issued for large quantities of land; which, on his motion, was read the first, and ordered to be read a second time.

Mr. Ward, by leave, presented

No. 243, A bill to incorporate the Green Hill Cemetery of N. T. Stephensburg, Frederick county, Virginia; which, on his motion, was read the first, and ordered to be read a second time.

Mr. Roller, by leave, presented

No. 244, Senate bill to enable the trustees of the Massanutton Presbyterian church, near Cross Keys, Rockingham county, Virginia, to receive and hold a bequest under the will of Ann Davidson, deceased; which, on his motion, was read the first, and ordered to be read a second time.

Mr. Lackland, by leave, presented

No. 245, A bill to amend and re-enact section 5 of the act approved May 18th, 1870, entitled an act fixing the salaries of the judges of the several courts of the Commonwealth and the pay of the reporter for the court of appeals, so as to reduce the pay of the judges of the county courts from and after the expiration of their present term of office; which, on his motion, was read the first, and ordered to be read a second time.

No. 192, Senate bill for the relief of Henry Gresham of Essex county, Virginia, was taken up, on motion of Mr. Quesenberry; and the question on the passage of the bill being put, was determined in the affirmative—ayes 30, noes 1.

The vote was recorded as follows:

Ayes—Messrs. Anderson of Pittsylvania, Anderson of Rockbridge, Beazley, Boykin, Cochran, French, Green, Greever, Grimsley, Herndon, Holladay, Hundley, Johnson, Lackland, Martin, Massey, Meem, Nowlin, Nutting, Quesenberry, Rixey, Roller, Rue, Smith, Stevens, Taylor of Loudoun, Taylor of Norfolk city, Thomas, Ward, and Wynne—30.

Noes—Mr. Pridemore—1.

The title was then agreed to.

On motion of Mr. Quesenberry, it was

Ordered, That he inform the House of Delegates thereof and request their concurrence therein.

No. 236, Senate bill to provide for the payment of interest on the public debt, was taken up, on motion of Mr. Cochran, read the third time, and the question on the passage thereof being put, was determined in the affirmative—ayes 22, noes 6.

The vote was recorded as follows:

Ayes—Messrs. Anderson of Pittsylvania, Anderson of Rockbridge, Beazley, Boykin, Cochran, Connally, Grimsley, Herndon, Holladay, Hundley, Johnson, Kirkpatrick, Lackland, Meem, Nowlin, Quesenberry, Rixey, Taylor of Loudoun, Taylor of Norfolk city, Thomas, Ward and Wynne—22.

Noes—Messrs. French, Greever, Norton, Patterson, Pridemore, and Smith—6.

The title of the bill was then agreed to.

On motion of Mr. Cochran, it was

Ordered, That he inform the House of Delegates thereof and request their concurrence therein.

No. 105, Senate bill for the relief of A. W. Vaughan, collector of Franciseo township, in Buckingham county, in the year 1871, was taken up, on motion Mr. Hundley, and the question on the passage thereof being put, was determined in the affirmative—ayes 25, noes 1.

The vote was recorded as follows:

Ayes—Messrs. Anderson of Pittsylvania, Anderson of Rockbridge, Beazley, Boykin, Cochran, French, Graham, Grimsley, Herndon, Hundley, Johnson, Kirkpatrick, Lackland, Lathrop, Meem, Norton, Nowlin, Patterson, Quesenberry, Rixey, Rue, Taylor of Norfolk city, Thomas, Ward, and Wynne—25.

Noes—Mr. Taylor of Loudoun—1.

The title of the bill was then agreed to.

Ordered, That the clerk inform the House of Delegates thereof and request their concurrence therein.

Mr. Rixey moved to communicate to the House of Delegates the passage of Senate bill No. 173, to prevent forced sales of personal property. Whereupon,

It being suggested that the Senate in voting on Monday last to lay on the table a motion to reconsider the vote by which the bill passed had voted under a misconception of the effect of such action, therefore (by general consent), it was

Ordered, That said vote be retaken.

The President announcing that if the motion to lay the motion to reconsider on the table prevailed, it would leave the passage of the bill unaffected by the motion for reconsideration.

And the question “Shall the motion to reconsider be laid on the table?” being put, was determined in the affirmative—ayes 16, noes 13.

On motion of Mr. Taylor of Loudoun, the vote was recorded as follows:

Ayes—Messrs. Cochran, French, Graham, Grimsley, Hundley, Martin, Massey, Meem, Norton, Quesenberry, Rixey, Roller, Rue, Taylor of Loudoun, Thomas, and Ward—16.

Noes—Messrs. Anderson of Pittsylvania, Anderson of Rockbridge, Beazley, Boykin, Greever, Herndon, Johnson, Kirkpatrick, Lackland, Lathrop, Nowlin, Pridemore, and Wynne—13. Thereupon, it was

Ordered, That Mr. Rixey inform the House of Delegates of the passage of the said bill and request their concurrence therein.

No. 169, Senate bill entitled an act to incorporate the Franklin Tollbridge across Staunton river, in the counties of Campbell and Halifax, with the amendments thereto proposed by the House of Delegates, was taken up, on motion of Mr. Kirkpatrick, and, on his further motion, the amendments were disagreed to; and, on his motion, it was

Ordered, That he inform the House of Delegates thereof.

No. 211, Senate bill to regulate and define the jurisdiction of the county and circuit courts, to prescribe the number of terms of the circuit courts, and to fix the pay of county judges, was taken up, on motion of Mr. Anderson of Rockbridge, read the third time, and the question being on the passage of the bill,

Mr. Hundley demanded the pending question, which was ordered; and being put, was determined in the affirmative—ayes 20, noes 13.

On motion of Mr. Taylor of Loudoun, the vote was recorded as follows:

Ayes—Messrs. Anderson of Rockbridge, Cochran, French, Graham, Greene, Greever, Holladay, Hundley, Kirkpatrick, Lackland, Martin,

Nowlin, Patterson, Pridemore, Quesenberry, Rixey, Rue, Smith, Thomas, and Wynne—20.

Noes—Messrs. Anderson of Pittsylvania, Beazley, Boykin, Connally, Herndon, Johnson, Massey, Meem, Norton, Roller, Taylor of Loudoun, Taylor of Norfolk city, and Ward—13.

The title of the bill was then agreed to.

On motion of Mr. French, it was

Ordered, That he inform the House of Delegates thereof and request their concurrence therein.

No. 114, Senate bill to authorize the issue of certificates of State debt to the executors of Jacquelin P. Taylor for principal and interest on certain lost coupon bonds, was taken up, on motion of Mr. Grimsley, and the question on its passage being put, was determined in the affirmative—ayes 25, noes none.

The vote was recorded as follows:

Ayes—Messrs. Anderson of Pittsylvania, Anderson of Rockbridge, Beazley, Cochran, Connally, French, Graham, Grimsley, Herndon, Holladay, Hundley, Johnson, Lackland, Martin, Norton, Nowlin, Pridemore, Quesenberry, Rue, Smith, Taylor of Loudoun, Taylor of Norfolk city, Thomas, Ward, and Wynne—25.

Noes—none.

The title was then agreed to.

Ordered, That the clerk inform the House of Delegates thereof and request their concurrence therein.

No. 161, House bill entitled an act for the relief of Thomas A. and W. R. Bryan, was taken up, on motion of Mr. French, read the third time, and the question on the passage thereof being put, was determined in the affirmative—ayes 22, noes 1.

The vote was recorded as follows:

Ayes—Messrs. Anderson of Pittsylvania, Anderson of Rockbridge, Beazley, Cochran, French, Greever, Grimsley, Holladay, Hundley, Johnson, Lackland, Martin, Norton, Patterson, Quesenberry, Roller, Rue, Smith, Taylor of Loudoun, Thomas, Ward, and Wynne—22.

Noes—Mr. Massey—1.

The title was then agreed to.

Ordered, That the clerk inform the House of Delegates thereof.

No. 228, Senate bill to amend an act districting the State for county judges, was taken up, on motion of Mr. Herndon, read the second time, and, on his further motion, laid on the table and made the order for to-morrow at one o'clock.

No. 231, Senate bill to authorize the corporate authorities of Winchester and the supervisors of Frederick county to subscribe to the capital stock of the Shenandoah Valley Agricultural Society, was taken up, read the third time and passed with its title.

Ordered, That the clerk inform the House of Delegates thereof and request their concurrence therein.

No. 119, House bill entitled an act for the relief of Wm. E. Grigsby of King George county, was taken up, on motion of Mr. Thomas, read

the third time, and the question on the passage thereof being put, was determined in the affirmative—ayes 26, noes 1.

The vote was recorded as follows:

Ayes—Messrs. Anderson of Pittsylvania, Anderson of Rockbridge, Beazley, Boykin, Cochran, French, Greever, Grimsley, Herndon, Holladay, Hundley, Johnson, Lackland, Martin, Meem, Norton, Nowlin, Patterson, Pridemore, Quesenberry, Rue, Smith, Taylor of Loudoun, Thomas, Ward, and Wynne—26.

Noes—Mr. Massey—1.

The title was then agreed to.

Ordered, That the clerk inform the House of Delegates thereof.

No. 221, Senate bill to amend and re-enact sections 5 and 13 of the act in force March 22nd, 1872, entitled an act to amend and re-enact certain acts in relation to the town of Fincastle, in the county of Botetourt, and to extend the corporate limits of said town, was taken up, read the third time and passed with its title.

Ordered, That the clerk inform the House of Delegates thereof and request their concurrence therein.

No. 11, Senate bill to amend and re-enact an act continuing the payment of interest and dividends to the incorporated colleges or other seminaries of learning in the State, approved March 20th, 1872, was taken up, read the third time, and the question on the passage thereof being put, was determined (for want of a constitutional majority) in the negative—ayes 18, noes 8.

The vote was recorded as follows:

Ayes—Messrs. Anderson of Pittsylvania, Boykin, Greever, Grimsley, Herndon, Hundley, Johnson, Lackland, Martin, Meem, Pridemore, Quesenberry, Rixey, Smith, Taylor of Loudoun, Taylor of Norfolk city, Thomas, and Ward—18.

Noes—Messrs. Anderson of Rockbridge, Beazley, Holladay, Massey, Norton, Nowlin, Roller, and Rue—8.

Mr. Nowlin moved to reconsider the vote by which the bill was rejected—pending the consideration of which,

On motion of Mr. Massey, the Senate adjourned until to-morrow, twelve o'clock.

THURSDAY, FEBRUARY 27, 1873.

Prayer by Rev. Mr. Campbell of Manchester.

A communication from the House of Delegates, by their clerk, was read as follows:

In House of Delegates, February 26, 1873.

The House of Delegates have agreed to the amendments of the Senate to House bill entitled an act to incorporate the Virginia Coal Company, No. 67.

Mr. Herndon, from the committee for courts of justice, reported without amendment,

No. 125, House bill entitled an act to amend and re-enact section 14 of chapter 177 of the Code of 1860, in relation to interest.

He, from the same committee, reported with the recommendation that it do not pass,

No. 151, House bill entitled an act authorizing mechanics to sell for repairs personal property.

He, from the same committee, reported with an amendment,

No. 138, House bill entitled an act to amend and re-enact section 13, chapter 128 of the Code of Virginia (edition of 1860), and to extend the powers of circuit courts, in relation to the estates of infants.

He, from the same committee, reported without amendment.

No. 126, House bill entitled an act to amend and re-enact sections 7 and 9 of chapter 160 of Code of 1860, as amended by an act approved June 23rd. 1870, in relation to terms of Supreme Court of Appeals.

He, from the same committee, reported asking to be discharged from its further consideration, and that it be referred to the committee on general laws,

No. 135, House bill entitled an act for the protection of the coal lands of Virginia from injury or destruction by fire; which was subsequently taken up, on motion of Mr. Taylor of Loudoun, the committee for courts of justice discharged, and the bill referred to the committee on general laws.

He, from the same committee, reported with amendments,

No. 108, House bill entitled an act giving the consent of the State for the purchase by the United States of land within this State for the erection of light-houses.

He, from the same committee, reported without amendment,

No. 160, House bill entitled and act to amend the 1st section of chapter 201 of the Code of 1860, as amended by the 1st section of an act entitled an act to revise and amend the criminal procedure, passed April 27th, 1867, so as to confer on notaries public the powers of conservators of the peace.

He, from the same committee, reported without amendment,

No. 157, House bill entitled an act to provide for the relinquishment to the United States, in certain cases, of title to lands for sites for light-stations on the coasts and waters of this State.

And he, from the same committee, reported with an amendment,

No. 156, House joint resolution appropriating a sum of money to replace Houdon's statue of Washington in the rotunda of the capitol.

Mr. Taylor of Norfolk city, from the committee on roads and internal navigation, reported without amendment,

No. 226, Senate bill to regulate the vote of counties, cities, and towns holding shares in the capital stock of railroad or other internal improvement companies.

He, from the same committee, presented a report declaring as the sense of the committee that no additional legislation is required in reference to the communication of the Governor transmitting an official copy of a joint resolution adopted by the Legislature of West Virginia relative to the transfer of the James River and Kanawha Canal to the United States.

He, from the same committee, reported with an amendment, No. 171, House bill entitled an act to incorporate the Nansemond Land Lumber and Narrow Gauge Railway Company.

He, from the same committee, reported without amendment,

No. 146, House bill entitled an act to amend and re-enact an act approved March 23rd, 1872, entitled an act to amend and re-enact the 9th section of the act approved March 31st, 1871, to incorporate the Richmond and Henrico Railroad, Turnpike and Graded Road Company.

And he, from the same committee, reported without amendment,

No. 240, House bill entitled an act to prevent the placing of obstructions in Sycamore creek, in the county of New Kent.

Mr. Kirkpatrick, by leave, presented

No. 246, A bill to amend and re-enact section 2 of chapter 151, Code of 1860, in relation to attachments; which, on his motion, was read the first, and ordered to be read a second time.

Mr. Norton, by leave, presented

No. 247, A bill to re-arrange the eighth judicial circuit; which, on his motion, was read the first, and ordered to be read a second time, and referred to the committee for courts of justice.

No. 4, House bill entitled an act to authorize the sureties of James S. Barksdale, as late sheriff of Albemarle, to discharge the judgment against them in favor of the Commonwealth with the bonds of the Commonwealth, was taken up, on motion of Mr. Beazley, read the third time, and the question on the passage thereof being put, was determined in the affirmative—ayes 27, noes 2.

The vote was recorded as follows:

Ayes—Messrs. Anderson of Pittsylvania, Anderson of Rockbridge, Beazley, Cochran, Connally, French, Graham, Greene, Grimsley, Herndon, Holladay, Johnson, Lackland, Lathrop, Martin, Massey, Norton, Patterson, Quesenberry, Rixey, Roller, Stevens, Taylor of Loudoun, Taylor of Norfolk city, Thomas, Ward, and Wynne—27.

Noes—Messrs. Pridemore, and Robinson—2.

The title of the bill was then agreed to.

Ordered, That the clerk inform the House of Delegates thereof.

On motion of Mr. Anderson of Rockbridge, the permission to use the Senate chamber granted to the Alumni of the University was extended to Saturday evening next.

On motion of Mr. Roller,

Resolved, That the committee on public institutions be instructed to enquire and report what repairs are necessary to the office of the Adjutant-General in order to secure the proper ventilation and comfort of the same.

On motion of Mr. Herndon, Mr. Lewis was granted leave of absence for one week from to-day.

No. 11, Senate bill to amend and re-enact an act continuing the payment of interest and dividends to the incorporated colleges or other seminaries of learning in the State, approved March 20th, 1872, being the unfinished business of yesterday, was taken up, and the pending ques-

tion being on agreeing to the motion of Mr. Nowlin to reconsider the vote by which the bill was rejected,

Mr Johnson demanded the pending question, which was ordered ; and being put, was determined in the affirmative—*ayes* 22, *noes* 11.

On motion of Mr. Kirkpatrick, the vote was recorded as follows :

Ayes—Messrs. Boykin, Cochran, French, Greever, Grimsley, Herndon, Hundley, Johnson, Lackland, Martin, Meem, Nowlin, Pridemore, Quesenberry, Rixey, Robinson, Smith, Taylor of Loudoun, Taylor of Norfolk city, Thomas, Ward and Wynne—22.

Noes—Messrs. Anderson of Rockbridge, Beazley, Connally, Greene, Holladay, Kirkpatrick, Lathrop, Massey, Norton, Patterson, and Roller—11.

The question recurring on the passage of the bill,

Mr. Nowlin demanded the pending question, which was ordered ; and being put, was determined in the affirmative—*ayes* 22, *noes* 13.

The vote was then recorded as follows :

Ayes—Messrs. Anderson of Pittsylvania, Boykin, Cochran, Connally, Greever, Grimsley, Herndon, Holladay, Hundley, Johnson, Lackland, Martin, Meem, Nowlin, Pridemore, Quesenberry, Rixey, Smith, Taylor of Loudoun, Taylor of Norfolk city, Thomas, and Ward—22.

Noes—Messrs. Anderson of Rockbridge, Beazley, French, Graham, Greene, Kirkpatrick, Lathrop, Massey, Norton, Nutting, Robinson, Roller, and Wynne—18.

The title of the bill was then agreed to.

On motion of Mr. Nowlin, it was

Ordered, That he inform the House of Delegates thereof and request their concurrence therein.

Mr. Ward moved to take up the order of the day, being

No. 35, Senate bill to amend the charter of the Petersburg Railroad Company ; and the question being put thereon, was determined in the affirmative, on division—*ayes* 16, *noes* 12.

The bill was then read the second time—when

Mr. Meem moved to lay the bill on the table ; and the question being put thereon, was determined in the negative, on division—*ayes* 11, *noes* 14.

Mr. Taylor of Norfolk city moved that the bill be indefinitely postponed ; and on this proposition

Mr. Hudley demanded the pending question, which was ordered ; and being put, was determined in the affirmative—*ayes* 25, *noes* 6.

On motion of Mr. Taylor of Norfolk city, the vote was recorded as follows :

Ayes—Messrs. Boykin, Cochran, Connally, French, Graham, Greer, Grimsley, Holladay, Hundley, Johnson, Kirkpatrick, Lathrop, Massey, Meem, Norton, Nowlin, Nutting, Pridemore, Rixey, Robinson, Smith, Stevens, Taylor of Loudoun, Taylor of Norfolk city, and Ward—25.

Noes—Messrs. Greene, Herndon, Lackland, Quesenberry, Thomas, and Wynne—6. Subsequently,

On motion of Mr. Rue, it was

Ordered to be entered on the journal that had he been present when the vote on the indefinite postponement of the bill was taken, he would have voted "aye."

On motion of Mr. Quesenberry,

Resolved, That the committee on public institutions be instructed to enquire and report what repairs can be made to the Senate chamber so as to secure a better ventilation of the same.

No. 228, Senate bill to amend an act districting the State for county judges, being the second order of the day, was taken up, on motion of Mr. Herndon, and read the second time.

On motion of Mr. Herndon, the bill was amended by striking out, in the 30th line (district No. 27), the words "and Stafford;" by striking out, in 23rd line (district No. 20), the words "and James City," and inserting in lieu thereof the words "James City and York;" by striking out, in 53rd line (district No. 50), the words "and Warren," and by adding as 75th line the words "district No. 71, Warren and Clarke." Whereupon,

On motion of Mr. Quesenberry, the bill was referred to the committee for courts of justice.

On motion of Mr. Thomas,

Resolved, That the Secretary of the Senate be authorized, prior to the assembling of the next General Assembly, to make such changes in the arrangement of the Senate chamber as will tend more effectually to the dispatch of business and promote the convenience of members.

No. 159, Senate bill providing how liens upon real estate may be discharged, was taken up, on motion of Mr. Meem, and ordered to be engrossed and read a third time.

No. 219, Senate bill to amend and re-enact sections 17 and 20 of an act approved March 21st, 1871, entitled an act to amend and re-enact an act entitled an act to incorporate the town of Liberty, in the county of Bedford, and to add to said charter sections 24, 25, 26, 27, and 28, was taken up, read the second time, and the amendments proposed by the committee on general laws were agreed to; and the bill as amended was ordered to be engrossed and read a third time.

No. 220, Senate bill to provide for the payment of a claim due by the State to W. W. Newman for repairs done to the Staunton and Parkersburg turnpike, was taken up, read the second, and ordered to be engrossed and read a third time.

No. 156, Senate bill to authorize the Roanoke Valley Railroad Company to construct a wagon-way across their bridge at Clarksville, was taken up, and the amendment proposed by the committee on roads and internal navigation was agreed to. Whereupon,

On motion of Mr. Meem, the bill was indefinitely postponed.

On motion of Mr. Patterson, the Senate adjourned until to-morrow, twelve o'clock.

FRIDAY, FEBRUARY 28, 1873.

Prayer by Rev. Mr. Campbell of Manchester.

A communication from the House of Delegates, by their clerk, was read as follows:

In House of Delegates, February 27, 1873.

The House of Delegates have passed House bill entitled an act to re-enact an act concerning an act to amend and re-enact an act incorporating the Cottage Toll-bridge Company, No. 166; in which they respectfully request the concurrence of the Senate.

No. 166, House bill entitled an act to re-enact an act concerning an act to amend and re-enact an act incorporating the Cottage Toll-bridge Company, was taken up, twice read, and referred to the committee on general laws.

Mr. Fitzpatrick, from the committee on general laws, reported without amendment,

No. 240, Senate bill to incorporate the Suffolk Lumber Company.

He, from the same committee, reported without amendment,

No. 218, Senate bill to increase the capital stock of the Petersburg Gas Light Company.

He, from the same committee, reported without amendment,

No. 164, House bill entitled an act to incorporate Henderson Lodge, No. 105, Independent Order of Odd Fellows, situated in the town of Manchester.

And he, from the same committee, reported with the recommendation that it do not pass,

No. 135, House bill entitled an act for the protection of the coal lands of Virginia from injury or destruction by fire.

Mr. Grimsley, from the committee on county, city, and town organizations, reported without amendment,

No. 149, House bill entitled an act to amend and re-enact section 75 of chapter 230 of Acts of 1871-72, as to duties and compensation of certain township officers, approved July 11th, 1872, and acts amendatory thereof.

And he, from the same committee, reported without amendment,

No. 137, House bill entitled an act to amend and re-enact section 41 of an act entitled an act prescribing the duties and compensation of county officers, approved March 13th, 1872.

Mr. Nowlin, by leave, presented

No. 248, A bill to authorize the division of Speedwell school district, in the county of Wythe, into two school districts; which, on his motion, was read the first, and ordered to be read a second time, and referred to the committee on public institutions.

On motion of Mr. Beazley, Mr. Taylor of Loudoun was granted leave of absence for three days.

On motion of Mr. Roller,

Resolved, That the committee on finance be discharged from the further consideration of Senate bill No. 125, to amend and re-enact section 47 of an act entitled an act to amend and re-enact 47th section of chapter 58 of the Code of Virginia (edition of 1860), as amended by an act entitled an act making certain banks of the city of Richmond depositaries of public money, passed April 29th, 1867, and the act approved March 29th, 1870, so as to establish such depositories in the city of Richmond.

The bill was then taken up and read the second time—when

Mr. Roller moved to lay the same on the table and make it the order of the day for Tuesday next, at one o'clock.

Mr. Wynne moved to amend the motion by striking out "Tuesday" and inserting "Wednesday;" which was agreed to, and the motion as amended was then agreed to.

On motion of Mr. Quesenberry, the Senate proceeded to the consideration of bills on their second reading. Whereupon,

No. 204, Senate bill to authorize the Second Auditor to issue duplicates of certain warrants on the treasury lost or destroyed before payment, was taken up, read the second, and ordered to be engrossed and read a third time.

No. 223, Senate bill to amend and re-enact section 5 of chapter 192 of the Code of 1860, in relation to offences against property, so as to punish more rigorously in certain cases the crime of arson, was taken up, read the second time, and the amendments of the committee for courts of justice were agreed to; and the bill as amended was ordered to be engrossed and read a time.

No. 224, Senate bill to provide for the establishment of the Southern Lunatic Asylum, and to establish the Central Lunatic Asylum on a permanent basis, was taken up, read the second time, and the question being on agreeing to the amendments proposed by the committee on public institutions,

On motion of Mr. Herndon, the bill was laid on the table and made the order of the day for Thursday next, at one o'clock; and the amendments were ordered to be printed.

Senate joint resolutions proposing amendments to sections 1, 2, 3, and 4 of the 7th article of the Constitution of this Commonwealth in relation to county organization, for publishing said amendment and certifying the same to the next General Assembly, were taken up and read the second time—when

Mr. Nowlin moved to amend article 8, section 2, by striking out in 80th line of printed copy the words "magisterial districts," and inserting in lieu thereof the word "townships;" and the question being put thereon, was determined in the negative.

Mr. Anderson of Rockbridge moved to amend the schedule by adding at the end thereof the words "each township as constituted at the date of the adoption of these amendments shall, as to the territorial limits thereof, be a magisterial district until otherwise provided by law."

The question being on agreeing to the amendment—and pending which,

On motion of Mr. Fitzpatrick, the joint resolutions were laid on the table.

No. 233, Senate bill to amend section 2 of an act entitled an act to prescribe and define the jurisdiction of the county and corporation courts of the Commonwealth, and the times and places of holding the same, approved April 2nd, 1870, was taken up, read the second, and ordered to be engrossed and read a third time.

No. 225, Senate bill for the relief of John Pollard of King and Queen county, was taken up, read the second, and ordered to be engrossed and read a third time.

No. 243, Senate bill to incorporate the Green Hill Cemetery of N. T. Stephensburg, Frederick county, Virginia, was taken up, read the first, and ordered to be read a second time.

No. 244, Senate bill to enable the trustees of the Massanutton Presbyterian church, near Cross Keys, Rockingham county, Virginia, to receive and hold a bequest under the will of Ann Davidson, deceased, was taken up, read the second, and ordered to be engrossed and read a third time.

No. 226, Senate bill to regulate the vote of counties, cities, and towns holding shares in the capital stock of railroad or other internal improvement companies, was taken up, read the second, and ordered to be engrossed and read a third time.

No. 242, Senate bill to authorize the issue of land-warrants for small quantities in lieu of warrants heretofore issued for large quantities of land, was taken up, read the second, and ordered to be engrossed and read a third time.

No. 232, Senate bill to amend and re-enact section 1 of chapter 86 of the Code of 1860, in relation to the establishment of hospitals by counties and cities of the State, was taken up, read the second, and the amendments of the committee on public institutions were agreed to; and the bill as amended was ordered to be engrossed and read a third time.

No. 196, Senate bill to regulate the working of the roads of Rockbridge county, was taken up, read the second, and ordered to be engrossed and read a third time.

No. 234, Senate bill to incorporate the Farmers' Bank of Lynchburg, Virginia, was taken up, read the second, and ordered to be engrossed and read a third time.

No. 241, Senate bill to secure the capitol and State court-room more effectually against fire, was read the first, and ordered to be read a second time.

The report of the committee on roads and internal navigation on the communication from the Governor transmitting an official copy of a joint resolution adopted by the Legislature of West Virginia relative to the transfer of the James River and Kanawha Canal to the United States, was taken up and concurred in.

No. 245, Senate bill to amend and re-enact section 5 of the act approved May 18th, 1870, entitled an act fixing the salaries of the judges of the several courts of the Commonwealth, and the pay of the reporter for the Court of Appeals, so as to reduce the pay of the judges of the

county courts from and after the expiration of their present term of office, was taken up, read the second time, and, on motion of Mr. Lackland, laid on the table.

No. 246, Senate bill to amend and re-enact section 2 of chapter 151, Code of 1860, in relation to attachments, was taken up, read the second time, and, on motion of Mr. Herndon, was referred to the committee for courts of justice.

On motion of Mr. Wynne,

Resolved, That the Superintendent of Public Printing be instructed to have a sufficient number of copies of Smith's map of Virginia printed for distribution, with the report of the commissioners on boundary line between Virginia and Maryland.

Mr. Anderson of Rockbridge, by leave, presented

No. 249, A bill providing for the payment of the costs and charges of criminal proceedings; which, on his motion, was read the first, and ordered to be read a second time, and referred to the committee for courts of justice.

Mr. Roller, by leave, presented

No. 250, A bill to amend and re-enact section 38 of chapter 57 of the Code of 1860, as to the pleading of usury by chartered companies; which, on his motion, was read the first, and ordered to be read a second time, and referred to the committee for courts of justice.

No. 74, Senate bill declaring and prescribing what fees a justice of the peace may charge for services connected with the trial of warrants for small claims, was taken up, and the amendment proposed by the House of Delegates was agreed to.

Ordered, That the clerk inform the House of Delegates thereof.

No. 159, Senate bill providing how liens upon real estate may be discharged, was taken up, read the third time, and, on motion of Mr. Kirkpatrick, laid on the table.

No. 219, Senate bill to amend and re-enact sections 17 and 20 of an act approved March 21st, 1871, entitled an act to amend and re-enact an act entitled an act to incorporate the town of Liberty, in the county of Bedford, and to add to said charter sections 24, 25, 26, 27, and 28, was taken up, read the third time, and, on motion of Mr. Fitzpatrick, laid on the table.

No. 220, Senate bill to provide for the payment of a claim due by the State to W. W. Newman for repairs done to the Staunton and Parkersburg turnpike, was taken up, read the third time, and, on motion of Mr. Nowlin, laid on the table.

No. 100, House bill entitled an act to declare Hardware river, in Fluvanna county, a lawful fence, was taken up, read the third time and passed with its title.

Ordered, That the clerk inform the House of Delegates thereof.

No. 69, House bill entitled an act to incorporate the Hunter Woodis Club of Norfolk, was taken up, read the third time and passed with its title.

Ordered, That the clerk inform the House of Delegates thereof.

No. 85, House bill entitled an act authorizing the formation of land

associations, was taken up, and the amendments proposed by the committee on general laws were agreed to; and the bill as amended was read the third time and passed with its title.

Ordered, That the clerk inform the House of Delegates thereof and request their concurrence in the amendments.

No. 238, House bill entitled an act to provide for the publication of a new edition of the Code of Virginia, was taken up, and, on motion of Mr. Herndon, laid on the table.

No. 101, House bill entitled an act to amend and re-enact the 7th section of an act approved April 2nd, 1870, to provide for dividing the several counties of this State into townships, was taken up, and, on motion of Mr. Fitzpatrick, laid on the table.

No. 194, House bill entitled an act to amend sections 1 and 2 of chapter 254, Acts of 1855-56, passed December 20th, 1855, in relation to the town of Upperville, was taken up, read the third time and passed with its title.

Ordered, That the clerk inform the House of Delegates thereof.

No. 124, House bill entitled an act to amend section 8, chapter 102 of Code, in relation to rewards for killing noxious animals, was taken up, and amended on motions of Messrs. Pridemore and Quesenberry; and after unsuccessful motions to amend by Messrs. Stevens, Nowlin, Lackland, and Norton, the bill was read the third time and passed with its title.

Ordered, That the clerk inform the House of Delegates thereof and request their concurrence in the amendments.

No. 218, Senate bill to increase the capital stock of the Petersburg Gas Light Company, was taken up, read the second, and ordered to be engrossed and read a third time.

No. 168, House bill entitled an act to authorize the legal voters of certain counties to vote upon the question of negotiating a loan or loans, and to issue bonds for and in the name of said counties, for the purpose of establishing a steamboat line between the landings on the Rappahannock river and the city of Baltimore, Maryland, or Norfolk, or both, was taken up, and the amendments proposed by the committee on general laws were agreed to—when,

On motion of Mr. Anderson of Pittsylvania, the bill was laid on the table.

No. 134, House bill entitled an act to authorize the guardian of John P. Boyd, an infant, to convey certain real estate belonging to said infant in the State of Alabama, was taken up, read the third time, and passed with its title.

Ordered, That the clerk inform the House of Delegates thereof.

No. 104, House bill entitled an act to amend and re-enact section 1 of chapter 150 of the Code of 1860, extending the jurisdiction of justices in civil cases to one hundred dollars, was taken up, and, on motion of Mr. Ward, laid on the table.

No. 202, House bill entitled an act to authorize the issue of duplicate land-warrants, &c., where the originals have been lost or destroyed, was taken up, read the third time and passed with its title.

Ordered, That the clerk inform the House of Delegates thereof.

No. 115, House bill entitled an act to repeal the act entitled an act to amend and re-enact section 12 of chapter 34 of Code of 1860, in relation to certain debts due the Virginia Military Institute, approved March 4th, 1871, and to re-enact the said section of the said chapter of the Code, was taken up, read the third time and passed with its title.

Ordered, That the clerk inform the House of Delegates thereof.

No. 79, House bill entitled an act to amend and re-enact sections 6, 14, and 27 of an act providing a charter for the city of Norfolk, in force March 16th, 1871, as amended by an act in force March 4th, 1872, was taken up, and the substitute proposed by the committee on county, city, and town organizations was agreed to; and the bill as amended was read the third time and passed with its title.

Ordered, That the clerk inform the House of Delegates thereof and request their concurrence in the amendment.

No. 108, House bill entitled an act giving the consent of the State to the purchase by the United States of land within this State for the erection of light-houses, was taken up, and the amendments proposed by the committee for courts of justice were agreed to; the bill was then read the third time as amended and passed with its title.

Ordered, That the clerk inform the House of Delegates thereof and request their concurrence in said amendments.

Mr. Wynne, by leave, presented,

No. 251, A bill to amend the charter of the Atlantic, Chesapeake and Ohio Transportation and Towing Company; which, on his motion, was read the first, and ordered to be read a second time, and referred to the committee on roads and internal navigation.

On motion of Mr. Thomas, the order requiring the printing of Senate calendar every Monday morning was suspended at the discretion of the clerk.

On motion of Mr. Thomas,

Resolved, That when the Senate adjourns to-day, it adjourn to meet at twelve o'clock on Monday next.

On motion of Mr. Stevens, the Senate adjourned.

MONDAY, MARCH 3, 1873.

Mr. Quesenberry in the chair.

A communication from the House of Delegates, by their clerk, was read as follows:

In House of Delegates, February 28, 1873.

The House of Delegates have agreed to the amendment of the Senate to House bill entitled an act to amend and re-enact section 12, chapter 170 of the Code, as amended by the act passed January 8th, 1867, No. 94; and have passed Senate bill entitled an act to amend and re-enact

section 1 of chapter 125 of the Code of 1860, in relation to the maintenance of illegitimate children, No. 121.

They have passed Senate bill entitled an act to amend and re-enact the 1st section of chapter 120 of the Code of Virginia (edition of 1860), as amended and re-enacted by the act approved January 14th, 1873, in relation to notaries public, No. 181, with an amendment; in which they respectfully request the concurrence of the Senate.

No. 181, Senate bill to amend and re-enact the 1st section of chapter 120 of the Code of Virginia (edition of 1860), as amended and re-enacted by the act approved January 14th, 1873, in relation to notaries public, with the amendment proposed by the House of Delegates, was taken up, and the amendment agreed to.

Ordered, That the clerk inform the House of Delegates thereof.

A communication from the House of Delegates, by their clerk, was read as follows:

In House of Delegates, March 1, 1873.

The House of Delegates have receded from their amendment to Senate bill entitled an act to incorporate the Franklin Toll-bridge across Staunton river, in the counties of Campbell and Halifax, No. 169.

Mr. Hundley, by leave, presented

No. 252, A bill to provide for the inspection of steam boilers for the better protection of life and property against accidents arising from steam boiler explosions; which, on his motion, was read the first, and ordered to be read a second time, and referred to the committee on general laws.

A message was received from the Governor, by his Secretary, Col. Owen, which was taken up, on motion of Mr. Pridemore, and was read as follows:

COMMONWEALTH OF VIRGINIA,
EXECUTIVE CHAMBERS,
RICHMOND, March 1st, 1873.

To the Senate of Virginia:

I return herewith to the Senate, in which it originated, without my approval, the bill entitled "an act to amend and re-enact an act entitled an act providing for the re-assessment of lands in the Commonwealth, passed February 1st, 1872, so as to enable those counties in the State which failed to avail themselves of the provisions of said act to do so."

This bill is substantially a copy of the act in force February 1st, 1872. The objections to that act, which I entertain and have already, on two different occasions, expressed to you during the present session of the General Assembly, apply with equal force to this bill. I did not approve of that act, nor can I approve of this bill; and for the reasons expressed in my last annual message, with which I presume every Senator is familiar, and therefore it is unnecessary to repeat them here. If the act of February 1st, 1872, were wrong, and I believe it was, its re-enactment now, instead of remedying the evil, simply perpetuates and increases it. I believe it to be wrong in principle and unjust and demoralizing in prac-

tice. It is no adequate remedy for unjust and unequal assessments. It is a temporary expedient of doubtful constitutionality, and tends to increase rather than diminish the evils complained of.

The true system to be adopted, and the only one which, in my judgment, will ever solve the difficulty without trenching upon constitutional principles, is that which shall provide for the revision, correction, and equalization of assessments among the several townships of counties and the wards of cities, and then the revision, correction, and equalization of the assessments among the several counties and corporations of the State.

GILBERT C. WALKER.

On motion of Mr. Pridemore, the communication and the accompanying bill were laid on the table.

No. 186, Senate bill to amend and re-enact section 2 of chapter 80 of the Code of 1860, in relation to funds from gifts, grants, devises, and bequests, was taken up, on motion of Mr. Lackland, and, on his further motion, the vote by which the bill was ordered to its engrossment and third reading was reconsidered; thereupon,

On his motion, the 2nd amended section was amended by striking out, in the 6th and 7th lines, the words "6th day of July, in the year one thousand eight hundred and sixty-nine," and inserting in lieu thereof the words "10th day of April, 1865."

On motion of Mr. Kirkpatrick, the bill was further amended by adding at the end of the 2nd amended section the words

"Provided, that the re-enactment of this clause shall not be construed to interfere with or affect rights heretofore vested, or which may be involved in any suit now pending in the courts of this Commonwealth."

The bill as amended was ordered to be engrossed and read a third time.

No. 243, Senate bill to incorporate the Green Hill Cemetery of N. T. Stephensburg, Frederick county, Virginia, was taken up, read the third time and passed with its title.

Ordered, That the clerk inform the House of Delegates thereof and request their concurrence therein.

Mr. Martin, by leave, presented

No. 253, A bill to incorporate the Manchester Railway and Land Improvement Company; which, on his motion, was read the first, and ordered to be read a second time, and referred to the committee on roads and internal navigation.

Mr. Massey presented the memorial of citizens of King William county in relation to immigration; which, on his motion, was referred to the committee on immigration.

A message was received from the House of Delegates by Mr. Lawson, who informed the Senate that that House had agreed to the following preamble and joint resolutions:

Whereas the General Assembly has learned with deep regret of the death of General Edward Johnston; and whereas it has been proposed by his friends that his remains lie in state in the rotunda of the capitol

until his funeral on Tuesday evening; and whereas his eminent services to his country entitle him to every mark of respect and esteem at the hands of the people's representatives; therefore, be it

Resolved by the House of Delegates (the Senate concurring), That when the two houses adjourn to-day, they adjourn to meet on Wednesday at twelve o'clock.

Resolved, That a copy of this resolution be communicated to his family, and be entered upon the journals of the two Houses.

The joint resolutions were taken up, on motion of Mr. Hundley, and the question on agreeing thereto being put, was determined in the affirmative.

On motion of Mr. Nowlin, it was

Ordered, That he inform the House of Delegates thereof.

No. 233, Senate bill to amend section 2 of an act entitled an act to prescribe and define the jurisdiction of the county and corporation courts of the Commonwealth, and the times and places of holding the same, approved April 2nd, 1870, was taken up, read the third time, and, on motion of Mr. Nowlin, laid on the table.

No. 204, Senate bill to authorize the Second Auditor to issue duplicates of certain warrants on the treasury lost or destroyed before payment, was taken up, read the third time, and, on motion of Mr. Nowlin, laid on the table.

No. 225, Senate bill for the relief of John Pollard of King and Queen county, was taken up, read the third time, and, on motion of Mr. Greever, laid on the table.

No. 196, Senate bill to regulate the working of the roads of Rockbridge county, was taken up, read the third time and passed.

The title was then amended as proposed by the committee on county, city, and town organizations, and agreed to in these words:

"An act to regulate the working of the roads of Rockbridge and Lee counties."

Ordered, That the clerk inform the House of Delegates thereof and request their concurrence therein.

No. 223, Senate bill to amend and re-enact section 5 of chapter 192 of the Code of 1860, in relation to offences against property, so as to punish more rigorously in certain cases the crime of arson, was taken up, read the third time—when,

On motion of Mr. Lackland, by general consent, the bill was amended by striking out the word "corporation," and inserting in lieu thereof the words "counsel of any city or incorporated town."

The bill as amended was then passed with its title.

On motion of Mr. Lackland, it was

Ordered, That he inform the House of Delegates thereof and request their concurrence therein.

No. 232, Senate bill to amend and re-enact section 1 of chapter 86 of the Code of 1860, in relation to the establishment of hospitals by counties and cities of the State, was taken up, read the third time and passed with its title.

No. 244, Senate bill to enable the trustees of the Massanutton Presbyterian church, near Cross Keys, Rockingham county, Virginia, to receive and hold a bequest under the will of Ann Davidson, deceased, was taken up, read the third time, and passed with its title.

Ordered, That the clerk inform the House of Delegates of the passage of the two preceding bills.

No. 226, Senate bill to regulate the vote of counties, cities, and towns holding shares in the capital stock of railroad or other internal improvement companies, was taken up and read the third time—when

Mr. Anderson of Rockbridge moved, by general consent, to amend the bill by inserting after the word "company," in the 4th line, the words "hereafter construed"—pending which,

On motion of Mr. Nowlin, the bill was laid on the table.

No. 242, Senate bill to authorize the issue of land warrants for small quantities in lieu of warrants heretofore issued for large quantities of land, was taken up, read the third time, and, on motion of Mr. Greever, laid on the table.

No. 218, Senate bill to increase the capital stock of the Petersburg Gas Light Company, was taken up, read the third time, and passed with its title.

Ordered, That the clerk inform the House of Delegates thereof and request their concurrence therein.

No. 125, House bill entitled an act to amend and re-enact section 14, chapter 177 of the Code of 1860, in relation to interest, was taken up, read the third time—when

Mr. Pridemore moved to indefinitely postpone the bill—pending which,

On motion of Mr. Smith, the bill was laid on the table.

No. 126, House bill entitled an act to amend and re-enact sections 7 and 9 of chapter 160 of Code of 1860, as amended by an act approved June 23rd, 1870, in relation to terms of Supreme Court of Appeals, was taken up, read the third time and passed with its title.

Ordered, That the clerk inform the House of Delegates thereof.

No. 138, House bill entitled an act to amend and re-enact section 13, chapter 128 of the Code of Virginia (edition of 1860), and to extend the powers of circuit courts in relation to the estates of infants, was taken up, and the amendment proposed by the committee for courts of justice was agreed to; and the bill as amended was read the third time and passed with its title.

Ordered, That the clerk inform the House of Delegates thereof and request their concurrence in the amendment.

No. 151, House bill entitled an act authorizing mechanics to sell for repairs personal property, was taken up, and, on motion of Mr. Nowlin, was laid on the table.

No. 156, House joint resolution appropriating a sum of money to replace Houdon's statue of Washington in the rotunda of the capitol, was taken up, and, on motion of Mr. Nowlin, laid on the table.

No. 157, House bill entitled an act to provide for the relinquishment to the United States, in certain cases, of title to lands for sites for light-

stations on the coasts and waters of this State, was taken up, and, on motion of Mr. Nowlin, laid on the table.

No. 160, House bill entitled an act to amend the 1st section of chapter 201 of the Code of 1860, as amended by the 1st section of an act entitled an act to revise and amend the criminal procedure, passed April 27th, 1867, so as to confer on notaries public the powers of conservators of the peace, was taken up, and, on motion of Mr. Nowlin, laid on the table.

No. 146, House bill entitled an act to amend and re-enact an act approved March 23rd, 1872, entitled an act to amend and re-enact the 9th section of the act approved March 31st, 1871, to incorporate the Richmond and Henrico Railroad, Turnpike and Graded Road Company, was taken up, read the third time and passed with its title.

Ordered, That the clerk inform the House of Delegates thereof.

No. 171, House bill entitled an act to incorporate the Nansemond Land, Lumber and Narrow Gauge Railway Company, was taken up, and the amendment proposed by the committee on roads and internal navigation agreed to; and the bill as amended was read the third time and passed with its title.

Ordered, That the clerk inform the House of Delegates thereof and request their concurrence in the amendment.

No. 240, House bill entitled an act to prevent the placing of obstructions in Sycamore creek, in the county of New Kent, was taken up, read the third time and passed with its title.

No. 164, House bill entitled an act to incorporate Henderson Lodge, No. 105, Independent Order of Odd Fellows, situated in the town of Manchester, was taken up, read the third time and passed with its title.

Ordered, That the clerk inform the House of Delegates of the passage of the two preceding bills.

No. 135, House bill entitled an act for the protection of the coal lands of Virginia from injury or destruction by fire, was taken up, and, on motion of Mr. Nowlin, was indefinitely postponed.

Ordered, That the clerk inform the House of Delegates thereof.

No. 137, House bill entitled an act to amend and re-enact section 41 of an act entitled an act prescribing the duties and compensation of county officers, approved March 13th, 1872, was taken up, read the third time and passed with its title.

Ordered, That the clerk inform the House of Delegates thereof.

No. 149, House bill entitled an act to amend and re-enact section 75 of chapter 230 of Acts of 1871-72, as to duties and compensation of certain township officers, approved July 11th, 1872, and acts amendatory thereof, was taken up, and, on motion of Mr. Nowlin, laid on the table.

No. 241, Senate bill to secure the capitol and State court-room more effectually against fire, was taken up, read the second time, and having been amended on motions of Messrs. Kirkpatrick and Anderson of Rockbridge, was ordered to be engrossed and read a third time.

No. 200, Senate bill to amend and re-enact section 39 of chapter 184 of the Code of 1860, as amended, concerning allowance of certain

officers, was taken up, on motion of Mr. Roller, and ordered to be engrossed and read a third time.

No. 201, Senate bill to amend and re-enact section 7 of chapter 165 of the Code of 1860, as amended, concerning compensation of Commonwealth's attorneys, was taken up, on motion of Mr. Roller, when he moved to amend the same by inserting after the word "felony," in 9th line of 7th amended section, the words "prosecuted and tried, whether there be a judgment for the Commonwealth or not"—pending which,

On motion of Mr. Greever, the bill was laid on the table.

Mr. Kirkpatrick offered the following amendments to the report of joint committee on constitutional amendments; which, on his motion, were ordered to be printed:

Report of the Joint Committee on Constitutional Amendments.

"The joint committee upon amendments to the Constitution beg leave to report the resolutions, amendments, and schedule herewith returned, which, in the opinion of the committee, embrace the only amendments to the Constitution which it is expedient, at this time, to recommend to the next General Assembly.

"The committee respectfully ask to be discharged from the further consideration of the various propositions which have been referred to them.

WILLIAM A. ANDERSON,
Chairman of Senate Committee.
JOHN W. LAWSON,
Chairman of House Committee.

JOINT RESOLUTIONS,

Proposing amendments to sections 1, 2, 3, and 4 of the seventh article of the Constitution of this Commonwealth, in relation to county organizations; for publishing said amendments, and certifying the same to the next General Assembly.

"Resolved by the Senate and House of Delegates (a majority of the members elected to each of the two Houses agreeing thereto), That the following amendments, and the schedule annexed thereto, be and they are hereby proposed to the Constitution of Virginia, and are hereby referred to the General Assembly to be chosen at the next general election of Senators and members of the House of Delegates, for its concurrence, in conformity with article 12 of said Constitution, viz :

"Strike from the Constitution of Virginia the 1st and 2nd sections of the 7th article in reference to county organizations, which are in these words :

"COUNTY ORGANIZATIONS.

"§ 1. There shall be elected by the qualified voters of the county, one sheriff; one attorney for the Commonwealth, who shall also be the

Commonwealth's attorney for the circuit court; one county clerk, who shall also be the clerk of the circuit court, except that in counties containing fifteen thousand inhabitants, there may be a separate clerk for the circuit court; one county treasurer, and one superintendent of the poor. And there shall be appointed, in the manner provided for in article 8, one superintendent of schools; provided, that counties containing less than eight thousand inhabitants may be attached to adjoining counties for the formation of districts for superintendents of schools; provided, also, that in counties containing thirty thousand inhabitants, there may be appointed an additional superintendent of schools therein. All regular elections for county officers shall be held on the first Tuesday after the first Monday in November; and all officers elected or appointed under this provision shall enter upon the duties of their offices on the first day of January next succeeding their election, and shall hold their respective offices for the term of three years, except that the county and circuit court clerks shall hold their offices for four years.

“TOWNSHIPS.

“§ 2. Each county of the State shall be divided into so many compactly located townships as may be deemed necessary, not less than three; provided, that after three have been formed, no additional township shall be made containing less than thirty square miles. Each township shall be known as the township of _____ in the county of _____, and may sue and be sued by such title. In each township there shall be elected annually one supervisor; one township clerk; one assessor; one collector; one commissioner of roads; one overseer of the poor; one justice of the peace, who shall hold his office three years; one constable, who shall hold his office three years; provided, that at the first election held under this provision there shall be three justices of the peace and three constables elected, whose terms shall be one, two, and three years respectively. All regular elections for township officers shall take place on the 4th Thursday in May, and all officers so elected shall enter upon the duties of their respective offices on the first day of July next succeeding their election. The supervisors of each township shall constitute the Board of Supervisors for that county, and shall assemble at the court-house thereof on the first Monday in December in each year, and proceed to audit the accounts of said county, examine the books of the assessors, regulate and equalize the valuation of property, fix the county levies for the ensuing year, apportion the same among the various townships, and perform such other duties as shall be prescribed by law.”

And insert in lieu thereof the following:

“ARTICLE VII.

“COUNTY ORGANIZATIONS.

“§ 1. There shall be elected by the qualified voters of the county, one sheriff; one attorney for the Commonwealth, who shall also be the

Commonwealth's attorney for the circuit court; one county clerk, who shall be the clerk of the circuit court, except that in counties containing fifteen thousand inhabitants there may be a separate clerk for the circuit court; one county treasurer, and so many commissioners of the revenue as may be provided by law; and there shall be appointed, in a manner to be provided by law, one superintendent of the poor and one county surveyor; and there shall also be appointed in the manner provided for in article 8, one superintendent of schools. All regular elections for county officers shall be held on the 4th Thursday in May, and all officers elected or appointed under this provision shall enter upon the duties of their office on the first day of July next succeeding their election, and shall hold their respective offices for the term of four years, except that county and circuit court clerks shall hold their offices for six years.

“ § 2. Each county of the State shall be divided into so many compactly located magisterial districts as may be deemed necessary, not less than three; provided, that after these have been formed, no additional districts shall be made containing less than thirty square miles. Each magisterial district shall be known as magisterial district, in county. In each magisterial district there shall be elected one supervisor, three justices of the peace, one constable, and one overseer of the poor, who shall hold their respective offices for the term of two years. All regular elections for magisterial district officers shall take place on the 4th Thursday in May, and all officers so elected shall enter upon the duties of their respective offices on the 1st day of July next succeeding their elections. The supervisors of the magisterial district shall constitute the Board of Supervisors for that county, whose duty it shall be to audit the accounts of the county, examine the books of the commissioners of the revenue, regulate and equalize the valuation of property, fix the county levies of the ensuing year, and perform any other duties required of them by law.”

In lieu of the 3rd section of the same article, which is in these words:

"SCHOOL DISTRICTS.

“§3. Each township shall be divided into so many compactly located school districts as may be deemed necessary; provided, that no school district shall be formed containing less than one hundred inhabitants. In each school district there shall be elected or appointed annually one school trustee, who shall hold his office three years; provided, that at the first election held under this provision there shall be three trustees elected, whose terms shall be one, two, and three years respectively.”

Insert the following:

"SCHOOL DISTRICTS.

" § 3. Each magisterial district shall be divided into so many compactly located school districts as may be deemed necessary; provided, that no school district shall be formed containing less than one hundred

inhabitants. In each school district there shall be elected or appointed annually one school trustee, who shall hold his office three years; provided, that at the first election held under this provision there shall be three trustees elected, whose terms shall be one, two, and three years respectively."

From the same article strike out the 4th section, which is in these words :

“ROAD DISTRICTS.

“§ 4. Each township shall be divided into one or more road districts. In each road district there shall be elected annually one overseer of roads, under whose direction the roads shall be kept in repair, at the public expense, in a mode prescribed by law.

“SCHEDULE.

“The legally constituted officers of the several counties and townships of the State at the date of the ratification of these amendments by the people shall continue to discharge the duties of their respective offices until the officers provided for by these amendments shall have been elected or appointed, and qualified. And all bonds or recognizances entered into by any county or township officer for the faithful discharge of the duties of his office shall remain valid and binding, and all rights and liabilities under the same shall continue and may be prosecuted as provided by law.”

2. Resolved, That the clerk of the House of Delegates, or the clerk of the Senate, be authorized and required, or if a vacancy happen in both of said offices, the presiding officer of either House of the General Assembly, be authorized and requested to cause the proposed amendments and these resolutions to be published in some newspaper, published in the city of Richmond, for three months previous to the time of choosing the members of the General Assembly, at the next general election of Senators and members of the House of Delegates.

3. Resolved, That the clerk of the Senate and clerk of the House of Delegates be required to transmit to the General Assembly, to be chosen at the next general election of Senators and members of the House of Delegates, a certified copy of said amendments and these resolutions, together with a certificate of publication by the publisher of the newspaper in which the proposed amendments shall have been published.

Mr. Nowlin, by leave, presented

No. 254, A bill to amend and re-enact certain sections of an act approved day of 1873, entitled an act to incorporate the Richmond Building and Improvement Company; which, on his motion, was read the first, and ordered to be read a second time, and referred to the committee on general laws.

Mr. Greene, by leave, presented

No. 255, A bill to amend and re-enact section 17, chapter 151 of the Code, in relation to proceeding where there is a garnishee; which, on

his motion, was read the first, and ordered to be read a second time, and referred to the committee for courts of justice.

On motion of Mr. Graham, the Senate adjourned until Wednesday, next, twelve o'clock.

WEDNESDAY, MARCH 5, 1873.

Mr. Quesenberry in the chair.

Prayer by Rev. Dr. Minnegerode.

A communication from the House of Delegates, by their clerk, was read as follows:

In House of Delegates, March 3, 1873.

The House of Delegates have passed without amendment Senate bills entitled an act to amend and re-enact sections 5 and 13 of the act in force March 22nd, 1872, entitled an act to amend and re-enact certain acts in relation to the town of Fincastle, in the county of Botetourt, and to extend the corporate limits of said town, No. 221; an act authorizing the Governor to appoint a State assayer and chemist, No. 185; an act to authorize the corporate authorities of Winchester and the supervisors of Frederick county to subscribe to the capital stock of the Shenandoah Valley Agricultural Society, No. 281; an act to incorporate the trustees of the Presbyterian Committee of Publication, No. 203; an act to authorize the trustees of Hamilton Lodge, No. 87, Ancient Free and Accepted Masons to borrow money for the purpose of erecting a masonic hall, No. 208; an act to incorporate the Masonic Relief Association of the city of Norfolk, No. 174; an act to protect butter and cheese manufacturers, No. 183; an act to amend and re-enact sections 5 and 10 of an act passed January, 20th, 1866, entitled an act to incorporate the Johnston Insurance Company of Danville, Virginia, No. 202; joint resolution to authorize the Board of Public Works to receive the amount due by the Alexandria, Loudoun and Hampshire Railroad Company, and to extend the time for the completion of the Washington and Ohio Railroad to the town of Winchester; and joint resolution instructing the Attorney-General to enquire whether any dividends were due the State on stock held by the State in the Petersburg and Roanoke Railroad Company before the date of the transfer in 1849, &c.

And have passed with an amendment Senate bill entitled an act to authorize counties, cities, towns, and townships to endorse the bonds of the Washington, Cincinnati and St. Louis Railroad Company, No. 164.

They have passed House bills entitled an act to authorize the county court of Norfolk county to appoint commissioners to divide the roads of the various townships in said county into convenient road districts, and to contract annually for keeping in repair the public roads in said county, No. 136; an act to amend and re-enact an act to amend and re-enact the 2nd section of an act entitled an act to regulate the taking of fish for the purpose of manufacturing oil or manure, approved March 23rd,

1871, approved March 15th, 1872, No. 270; an act to incorporate the Richmond and Henrico Turnpike Company, No. 273; an act to incorporate the town of Louisa, in Louisa county, No. 274; and an act to amend an act passed February 19th, 1861, entitled an act to incorporate St. Paul's Church Home, No. 225; in which they respectfully request the concurrence of the Senate.

No. 164, Senate bill entitled an act to authorize counties, cities, towns, and townships to endorse the bonds of the Washington, Cincinnati and St. Louis Railroad Company, with the amendment thereto proposed by the House of Delegates, was taken up, and, on motion of Mr. Lackland, referred to the committee on roads and internal navigation.

No. 270, House bill entitled an act to amend and re-enact an act to amend and re-enact the 2nd section of an act entitled an act to regulate the taking of fish for the purpose of manufacturing oil or manure, approved March 23rd, 1871, approved March 15th, 1872, was taken up, twice read, and referred to the committee on general laws.

No. 136, House bill entitled an act to authorize the county court of Norfolk county to appoint commissioners to divide the roads of the various townships in said county into convenient road districts, and to contract annually for keeping in repair the public roads in said county, was taken up, twice read, and referred to the committee on general laws.

No. 273, House bill entitled an act to incorporate the Richmond and Henrico Turnpike Company, was taken up, twice read, and referred to the committee on roads and internal navigation. Subsequently,

On motion of Mr. Holladay, the committee was discharged from the consideration of the bill—when,

On motion of Mr. Holladay, the 1st section thereof was amended by adding the following proviso:

"Provided, that the present road leading from the Meadow Bridges to Richmond shall not be used by this company in making or using this road."

The bill was further amended, on motion of Mr. Fitzpatrick, by adding at the end of the 5th section the words "and shall be subject to modification or repeal, at the pleasure of the General Assembly."

The bill as amended was then read the third time and passed with its title.

Ordered, That the clerk inform the House of Delegates thereof and request their concurrence in said amendments.

No. 274, House bill entitled an act to incorporate the town of Louisa, in Louisa county, was taken up, twice read, and referred to the committee on county, city, and town organizations.

No. 225, House bill entitled an act to amend an act passed February 19th, 1861, entitled an act to incorporate St. Paul's Church Home, was taken up, twice read, and on motion of Mr. Wynne (the rule requiring the commitment of the same being suspended), read the third time and passed with its title.

Ordered, That the clerk inform the House of Delegates thereof.

A message was received from the House of Delegates by Mr. Ramsdell, who informed the Senate that that House had passed the following joint resolution, in which they request the concurrence of the Senate:

Whereas it has come to the knowledge of this General Assembly that the President of the United States contemplates visiting Richmond at an early day; therefore, be it

Resolved by the House of Delegates (the Senate concurring), That a committee of ten on the part of the House and five on the part of the Senate be appointed to make the necessary arrangements to receive the President and suite in such manner as shall comport with the dignity of the Commonwealth.

The joint resolution was subsequently taken up and concurred in.

On motion of Mr. Greene, it was

Ordered, That he inform the House of Delegates thereof.

Mr. Fitzpatrick, from the committee on general laws, reported without amendment,

No. 166, House bill entitled an act to re-enact an act concerning an act to amend and re-enact an act incorporating the Cottage Toll-bridge Company; which was subsequently taken up, read the third time and passed with its title.

Ordered, That the clerk inform the House of Delegates thereof.

He, from the same committee, reported without amendment,

No. 235, Senate bill to incorporate the Boston Wharf and Warehouse Company of Norfolk; which was subsequently taken up, read the second, and ordered to be engrossed and read a third time.

Mr. Anderson of Rockbridge, from the committee on public institutions, reported without amendment,

No. 142, House bill entitled an act to admit persons over twenty-one years of age into the public free schools on payment of tuition fees; which was subsequently taken up, read the third time and passed with its title.

Ordered, That the clerk inform the House of Delegates thereof.

He, from the same committee, reported without amendment,

No. 143, House bill entitled an act to amend and re-enact section 48 of an act entitled an act to establish and maintain a uniform system of public free schools, approved July 11th, 1870; which was subsequently taken up, read the third time, and, on motion of Mr. Fitzpatrick, laid on the table.

He, from the same committee, reported without amendment,

No. 144, House bill entitled an act to amend 47th section of chapter 370, Acts of 1871-72, in relation to payment of capitation tax by fathers sending their children to the public free schools; which was subsequently taken up, and, on motion of Mr. Rue, modified at the suggestion of Mr. Anderson of Rockbridge, laid on the table and made the order of the day for Friday, the 7th instant, at one o'clock.

Mr. Greene, by leave, presented

No. 256, A bill to amend and re-enact the 1st and 2nd sections of an act entitled an act to authorize decrees in chancery causes to be entered by consent of parties in vacation, and to validate decrees heretofore en-

tered in vacation, approved January 14th, 1873; which, on his motion, was read the first, and ordered to be read a second time, and referred to the committee for courts of justice.

Mr. Holladay, by leave, presented

No. 257, A bill for the governing of warehouses and the issuing of warehouse receipts; which, on his motion, was read the first, and ordered to be read a second time, and referred to the committee on general laws.

Mr. Nowlin, by leave, presented

No. 258, A bill to authorize an artificial arm, or commutation therefor, to be issued to Moses Cavanaugh; which, on his motion, was read the first, and ordered to be read a second time, and referred to the committee on finance.

No. 219, Senate bill to amend and re-enact sections 17 and 20 of an act approved March 21st, 1871, entitled an act to amend and re-enact an act entitled an act to incorporate the town of Liberty, in the county of Bedford, and to add to said charter sections 24, 25, 26, 27, and 28, was taken up, on motion of Mr. Fitzpatrick, and, on his motion, the vote ordering the bill to its engrossment and third reading was reconsidered; and, on his further motion, the bill was recommitted to the committee on general laws.

No. 186, Senate bill to amend and re-enact section 2 of chapter 80 of the Code of 1860, in relation to funds from gifts, grants, devises, and bequest, was taken up, read the third time and passed with its title.

Ordered, That the clerk inform the House of Delegates thereof and request their concurrence therein.

No. 241, Senate bill to secure the capitol and State court-room more effectually against fire, was taken up, read the third time, and, on motion of Mr. Nowlin, laid on the table.

No. 200, Senate bill to amend and re-enact section 39 of chapter 184 of the Code of 1860, as amended, concerning allowance of certain officers, was taken up, read the third time and passed with its title.

Ordered, That the clerk inform the House of Delegates thereof and request their concurrence therein.

On motion of Mr. Wynne,

Resolved, That the committee on public institutions be requested to enquire into the necessity for and the expediency of making repairs to the hall of the library in the capitol building; and in the event of reporting in favor of the same, they shall recommend the appropriation of an amount sufficient to meet the expense of the repairs.

No. 215, Senate bill imposing taxes for the support of government and free schools, and to pay the interest on the public debt, was taken up, on motion of Mr. Fitzpatrick, and, on his further motion, was laid on the table and made the order of the day for Friday, the 7th instant, at 1 o'clock, and for each day thereafter until disposed of.

On motion of Mr. Lackland, the Senate adjourned until to-morrow, twelve o'clock.

THURSDAY, MARCH 6, 1873.

Mr. Quesenberry in the chair.

A communication from the House of Delegates, by their clerk, was read as follows :

In House of Delegates, March 5, 1873.

The House of Delegates have agreed to the amendments of the Senate to House bills entitled an act giving the consent of the State for the purchase by the United States of land within this State for the erection of light-houses, No. 108; an act to declare James River and Towing Path, opposite the Combined Lock, a lawful fence in the county of Amherst, No. 99; and an act to amend and re-enact sections 68 and 77 of an act entitled an act to amend and re-enact an act prescribing the duties and compensation of certain township officers, approved July 11th, 1870, and acts amendatory thereof, approved March 19th, 1872, No. 68.

And have passed Senate bills entitled an act requiring the joint committee for the Norfolk County Ferries to report and make annual settlements, No. 112; an act to amend section 81 of an act approved March 19th, 1872, entitled an act to amend and re-enact an act prescribing the duties and compensation of certain township officers, approved July 11th, 1870, and acts amendatory thereof, No. 89; and an act declaring a portion of Smith's creek and Cohoon's creek a lawful fence, No. 171.

They have disagreed to the 1st amendment and agreed to the 2nd, 3rd, and 4th amendments of the Senate to House bill entitled an act to amend section 8, chapter 102 of Code, in relation to rewards for killing noxious animals, No. 124; and have passed House bills entitled an act to amend and re-enact the 6th section of an act entitled an act to provide for the organization of county school boards, and prescribing the powers and duties of said boards, and to amend and re-enact 40th section of the act entitled an act to establish and maintain a uniform system of public free schools, approved July 11th, 1870, approved February 21st, 1872, No. 132; an act to provide for schools in certain localities, No. 175; an act to incorporate the Young Men's Hebrew Benevolent Society of Lynchburg, Virginia, No. 176; an act to amend and re-enact the 1st and 2nd sections of the 169th chapter of the Code of 1860, as amended by the 12th chapter of the Acts of 1863-4, and by the 18th chapter of the Acts of 1864-5, prescribing the courts in which legal proceedings are commenced, No. 196; an act to amend the 1st section of chapter 115 of the Code of Virginia (edition of 1860), as amended by chapter 208 of an act passed February 16th, 1867, in relation to aliens, No. 198; an act to amend and re-enact the 7th section of the 170th chapter of the Code of 1860, in relation to the service of process or notice to a corporation, No. 195; an act to amend section 3, chapter 16, Code of Virginia of 1860, in reference to the time when the acts of the General Assembly shall take effect, No. 186; an act to amend the 3rd section of chapter 188 of the Code of 1860, relative to the mode of enforcing recoveries of money on executions, No. 199; an act declaring

Thornton's river a lawful fence, No. 174; and joint resolution memorializing Congress to donate public lands for public free schools in Virginia, No. 201; in which they respectfully request the concurrence of the Senate.

No. 132, House bill entitled an act to amend and re-enact the 6th section of an act entitled an act to provide for the organization of county school boards, and prescribing the powers and duties of said boards, and to amend and re-enact 40th section of the act entitled an act to establish and maintain a uniform system of public free schools, approved July 11th, 1870, approved February 21st, 1872, was taken up, twice read, and referred to the committee on public institutions.

No. 174, House bill entitled an act declaring Thornton's river a lawful fence, was taken up, twice read, and, on motion of Mr. Grimsley, the rule requiring the commitment of the same being suspended, was read the third time and passed with its title.

Ordered, That the clerk inform the House of Delegates thereof.

No. 175, House bill entitled an act to provide for schools in certain localities, was taken up, twice read, and referred to the committee on public institutions.

No. 176, House bill entitled an act to incorporate the Young Men's Hebrew Benevolent Society of Lynchburg, Virginia, was taken up, twice read, and, on motion of Mr. Kirkpatrick, the rule requiring the commitment of the same being suspended, was read the third time and passed with its title.

Ordered, That the clerk inform the House of Delegates thereof.

No. 186, House bill entitled an act to amend section 3, chapter 16, Code of Virginia of 1860, in reference to the time when the acts of the General Assembly shall take effect, was taken up, twice read, and, on motion of Mr. Kirkpatrick, the rule requiring the commitment of the same being suspended, was read the third time and passed with its title.

Ordered, That the clerk inform the House of Delegates thereof.

No. 195, House bill entitled an act to amend and re-enact the 7th section of the 170th chapter of the Code of 1860, in relation to the service of process or notice to a corporation, was taken up, twice read, and referred to the committee for courts of justice.

No. 196, House bill entitled an act to amend and re-enact the 1st and 2nd sections of the 169th chapter of the Code of 1860, as amended by the 12th chapter of the Acts of 1863-4, and by the 18th chapter of the Acts of 1864-5, prescribing the courts in which legal proceedings are commenced, was taken up, twice read, and referred to the committee for courts of justice.

No. 198, House bill entitled an act to amend the 1st section of chapter 115 of the Code of Virginia (edition of 1860), as amended by chapter 203 of an act passed Februray 16th, 1867, in relation to aliens, was taken up, twice read, and referred to the committee for courts of justice.

No. 199, House bill entitled an act to amend the 3rd section of chapter 188 of the Code of 1860, relative to the mode of enforcing recove-

ries of money on executions, was taken up, twice read, and referred to the committee for courts of justice.

No. 201, House joint resolution memorializing Congress to donate public lands for public free schools in Virginia, was taken up, twice read, and referred to the committee on public institutions.

No. 124, House bill entitled an act to amend section 8, chapter 102 of Code, in relation to rewards for killing noxious animals, with the disagreement of the House of Delegates to the 1st amendment of the Senate, was taken up—when

Mr. Nowlin moved that the Senate recede from its amendment—when

Mr. Taylor of Loudoun moved that the bill be indefinitely postponed; and the question being put thereon, was determined in the affirmative.

Ordered, That the clerk inform the House of Delegates thereof.

A message was received from the House of Delegates by Mr. Graves, who informed the Senate that that House had passed a bill entitled an act to amend and re-enact section 5 of an act entitled an act to prescribe the times for holding the circuit courts of the State, in force February 17th, 1873, No. 284; which was taken up, twice read, and, on motion of Mr. Fitzpatrick, the rule requiring the commitment of the same being suspended, was read the third time and passed with its title.

Ordered, That the clerk inform the House of Delegates thereof.

Mr. Herndon, from the committee for courts of justice, reported with a substitute therefor,

No. 159, House bill entitled an act in relation to the interest on money or other thing; which was subsequently taken up, on motion of Mr. Taylor of Norfolk city, and, on his further motion, was laid on the table and made the order of the day for to-morrow at half-past twelve o'clock and for each day thereafter until disposed of.

Mr. Fitzpatrick, from the committee on general laws, reported with amendments,

No. 219, Senate bill to amend and re-enact sections 17 and 20 of an act approved March 21st, 1871, entitled an act to amend and re-enact an act entitled an act to incorporate the town of Liberty, in the county of Bedford, and to add to said charter sections 24, 25, 26, 27, and 28.

Mr. Grimsley, from the committee on county, city, and town organizations, reported without amendment,

No. 274, House bill entitled an act to incorporate the town of Louisa, in Louisa county.

Mr. Pridemore, from the special committee on delinquent lands, presented

No. 259, A bill to provide for placing on the commissioners' books the lands in the Commonwealth, and to amend sections 2, 18, 20, 25, and 28 of chapter 37, Code of 1860, in relation to the sales of forfeited and delinquent lands, and for other purposes.

Mr. Kirkpatrick, by leave, presented

No. 260, A bill to amend and re-enact an act passed December 19th, 1866, entitled an act authorizing the Southwestern Virginia Mining, Smelting and Transportation Company to construct a railroad from

King's Salt Works to a point on the Virginia and Tennessee railroad at or near Dublin; which, on his motion, was read the first, and ordered to be read a second time, and referred to the committee on roads and internal navigation.

Mr. Hundley offered the following joint resolution, which lies over under the rules:

Resolved (the House of Delegates concurring), That the General Assembly will proceed to elect county judges on Thursday, the 13th day of March, 1873, at one o'clock, and continue the same until a judge shall have been elected for each county and district of the State.

Mr. Meem, by leave, presented

No. 261, A bill to authorize the sureties of J. C. Robinson, as late sheriff of Page county, to discharge the judgment against them in favor of the Commonwealth with the bonds of the Commonwealth; which, on his motion, was read the first, and ordered to be read a second time, and referred to the committee on finance.

Mr. Massey, by leave, presented

No. 262, A bill to amend and re-enact section 6 of an act to incorporate the West Point and Hanover Junction Railroad Company, approved July 8th, 1870; which, on his motion, was read the first, and ordered to be read a second time.

Mr. Lackland, by leave, presented

No. 263, A bill to repeal section 5 of the act entitled an act fixing the salaries of the judges of the several courts of the Commonwealth, and the pay for the reporter for the court of appeals, approved May 18th, 1870; which, on his motion, was read the first, and ordered to be read a second time.

Mr. Nowlin, by leave, presented

No. 264, A bill to repeal an act approved July 11th, 1870, entitled an act to authorize the Governor to exchange the arms of the State for Roberts' breach-loading guns; which, on his motion, was read the first, and ordered to be read a second time, and referred to the committee on general laws.

No. 176, Senate bill to amend and re-enact section 1 of chapter 15 of the Code as amended and re-enacted by an act approved November 1st, 1870, in relation to the times of meeting of the General Assembly, was taken up, on motion of Mr. Penn, and passed with its title.

Ordered, That the clerk inform the House of Delegates thereof and request their concurrence therein.

No. 107, House bill entitled an act authorizing the payment of twelve months' interest on the literary fund for the benefit of public free schools, was taken up, on motion of Mr. Anderson of Rockbridge; and he, thereupon, moved to amend the bill by striking out the words "twelve months," and inserting in lieu thereof the words "ninety thousand dollars on account of;" and on this proposition

Mr. Johnson demanded the pending question, which was ordered; and being put, was determined in the affirmative.

Mr. Anderson of Rockbridge made an unsuccessful motion to lay the

bill on the table and make it the order of the day for to-morrow, at one o'clock.

The question recurring on ordering the bill as amended to its third reading,

Mr. Taylor of Loudoun demanded the pending question, which was ordered; and being put, was determined in the negative—ayes 12, noes 21.

Ayes—Messrs. Anderson of Pittsylvania, Anderson of Rockbridge, French, Grimsley, Holladay, Lackland, Norton, Nowlin, Robinson, Roller, Rue, and Wynne—12.

Ayes—Messrs. Beazley, Boykin, Fitzpatrick, Greever, Herndon, Hundley, Johnson, Kirkpatrick, Lathrop, Martin, Meem, Penn, Perrin, Pridemore, Quesenberry, Rixey, Smith, Taylor of Loudoun, Taylor of Norfolk city, Terry, and Ward—21. Therefore,

Resolved, That it be rejected.

Ordered, That the clerk inform the House of Delegates thereof.

Mr. Anderson of Pittsylvania, by leave, presented

No. 265, A bill to amend and re-enact section 1 of an act passed April 27th, 1867, entitled an act to incorporate the Planters & Mechanics' Insurance Company of Danville, and to change its name to the Danville Banking and Insurance Company; which, on his motion, was read the first, and ordered to be read a second time.

No. 225, Senate bill for the relief of John Pollard of King and Queen county, was taken up, on motion of Mr. Quesenberry, and the question on the passage thereof being put, was determined in the affirmative—ayes 34, noes none.

The vote was recorded as follows:

Ayes—Messrs. Anderson of Pittsylvania, Anderson of Rockbridge, Beazley, Boykin, Fitzpatrick, French, Graham, Greever, Grimsley, Herndon, Holladay, Hundley, Johnson, Lackland, Lackland, Martin, Massey, Meem, Norton, Nowlin, Nutting, Penn, Perrin, Pridemore, Quesenberry, Rixey, Robinson, Roller, Smith, Taylor of Loudoun, Taylor of Norfolk city, Terry, Ward, and Wynne—34.

Noes—none.

The title of the bill was then agreed to.

On motion of Mr. Quesenberry, it was

Ordered, That he inform the House of Delegates thereof and request their concurrence therein.

No. 168, House bill entitled an act to authorize the legal voters of certain counties to vote upon the question of negotiating a loan or loans, and to issue bonds for and in the name of said counties, for the purpose of establishing a steamboat line between landings on the Rappahannock river and the city of Baltimore, Maryland, or Norfolk, or both, was taken up, on motion of Mr. Perrin—when,

On motion of Mr. Herndon, the bill was amended by striking out whenever they occur in the bill the counties “Spotsylvania or Caroline.” Thereupon,

On motion of Mr. Taylor of Norfolk city, the bill was laid on the table.

No. 224, Senate bill to provide for the establishment of the Southern Lunatic Asylum, and to establish the Central Lunatic Asylum on a permanent basis, being the order of the day, was taken up, on motion of Mr. Kirkpatrick, and the amendments proposed by the committee on public institutions were agreed to; and, on motion of Mr. Lackland, the bill was further amended by inserting after the word "advantages," in the 12th line, 1st section, the words "in the way of climate and health of the patients, or."

Mr. Taylor of Loudoun moved to recommit the bill to the committee on public institutions; and the question being put thereon, was determined in the affirmative, on division—ayes 15, noes 11.

On motion of Mr. Ward, the vote by which the bill was recommitted was reconsidered, and the question on recommittal being again put, was determined in the negative.

The question on ordering the bill as amended to its engrossment and third reading being put, was determined in the affirmative—ayes 15, noes 11.

On motion of Mr. Fitzpatrick, the vote was recorded as follows:

Ayes—Messrs. Anderson of Pittsylvania, Anderson of Rockbridge, Beazley, French, Greever, Holladay, Hundley, Johnson, Kirkpatrick, Lackland, Norton, Nowlin, Robinson, Taylor of Norfolk city, and Wynne—15.

Noes—Messrs. Fitzpatrick, Grimsley, Herndon, Martin, Patterson, Pridemore, Quesenberry, Roller, Taylor of Loudoun, Terry, and Ward—11.

No. 97, Senate bill to incorporate the Augusta Mining and Improvement Company, was taken up, on motion of Mr. Roller, read the second, and ordered to be engrossed and read a third time.

Mr. Roller, by leave, presented

No. 66, A bill to enable the trustees of Mount Tabor Church, in Augusta county, and their successors in office, to receive and hold a bequest under the will of Margaret Cale, deceased; which, on his motion, was read the first, and ordered to be read a second time.

No. 235, Senate bill to incorporate the Boston Wharf and Warehouse Company of Norfolk, was taken up, read the third time, and, on motion of Mr. Taylor of Norfolk city, by general consent, the bill was amended by striking out, in the 10th section, the words "or near the cities of Norfolk or Portsmouth," and inserting in lieu thereof the words "city of Norfolk."

The bill as amended was then passed with its title.

Ordered, That the clerk inform the House of Delegates thereof and request their concurrence therein.

On motion of Mr. Perrin, the Senate adjourned until to-morrow, twelve o'clock.

FRIDAY, MARCH 7, 1873.

A communication from the House of Delegates, by their clerk, was read as follows:

In House of Delegates, March 6, 1873.

The House of Delegates have passed House bills entitled an act continuing the powers of the trustees of the Gloucester Charity School, and authorizing the funds under their control to be appropriated to the use of the poor of Gloucester county, and repealing the act on that subject, approved March 31st, 1871, No. 301; an act for the relief of the representative of Wm. Debusk, deceased, as one of the sureties of Leonidas Love, executor of Solomon G. Barrick, deceased, No. 250; an act to prohibit obstructions to the fisheries in Chesapeake bay, Lynn Haven bay, or Willoughby's bay from Cape Henry to Sewell's Point, No. 158; an act authorizing a majority of the living trustees of the Baptist Church and congregation at Orange Court-house, Virginia, to sell and execute a deed to the lot in the village of Orange Court-house, upon which their church formerly stood, and to apply the purchase money in the erection of a new house of worship, No. 298; an act to amend and re-enact an act entitled an act to amend and re-enact the 11th section of chapter 188 of the Code of Virginia, in relation to debtor's estate, No. 150; an act to provide for the payment of the amount due from the State on account of her subscription to the Saltville and Laurel Turnpike Company, No. 169; an act for the relief of Ann Sipe of Lickinghole township, in Goochland county, No. 317; an act to amend and re-enact section 10, chapter 202, Code of 1860, so as to restrict the compensation of physicians in attendance upon coroner's inquests, No. 179; an act to authorize the Board of Supervisors of the several counties to appoint a physician and nurse to attend the poor, and to regulate their compensation, No. 167; an act to amend and re-enact section 2 of chapter 164 of the Code of 1860, in reference to attorneys at law, No. 207; an act to amend the 7th section of an act entitled an act to incorporate the Gordonsville and Chester's Gap Railroad Company, approved March 15th, 1871, No. 255.

No. 255, House bill entitled an act to amend the 7th section of an act entitled an act to incorporate the Gordonsville and Chester's Gap Railroad Company, approved March 15th, 1871, was taken up, twice read, and, on motion of Mr. Ward, the rule requiring the commitment of the same being suspended, was read the third time and passed with its title.

On motion of Mr. Ward, it was

Ordered, That he inform the House of Delegates thereof.

No. 301, House bill entitled an act continuing the powers of the trustees of the Gloucester Charity School, and authorizing the funds under their control to be appropriated to the use of the poor of Gloucester county, and repealing the act on that subject, approved March 31st, 1871, was taken up, twice read, and, on motion of Mr. Perrin, the

rule requiring the commitment of the same being suspended, was read the third time and passed with its title.

Ordered, That the clerk inform the House of Delegates thereof.

No. 250, House bill entitled an act for the relief of the representative of Wm. Debusk, deceased, as one of the sureties of Leonidas Love, executor of Solomon G. Barrick, deceased, was taken up, twice read, and, on motion of Mr. Greever, the rule requiring the commitment of the same being suspended, was read the third time and passed with its title.

Ordered, That the clerk inform the House of Delegates thereof.

No. 158, House bill entitled an act to prohibit obstructions to the fisheries in Chesapeake bay, Lynn Haven bay, or Willoughby's bay from Cape Henry to Sewell's Point, was taken up, twice read, and referred to the committee on general laws.

No. 298, House bill entitled an act authorizing a majority of the living trustees of the Baptist church and congregation at Orange Court-house, Virginia, to sell and execute a deed to the lot in the village of Orange Court-house, upon which their church formerly stood, and to apply the purchase money in the erection of a new house of worship, was taken up, twice read, and, on motion of Mr. Grimsley, the rule requiring the commitment of the same being suspended, was read the third time and passed with its title.

Ordered, That the clerk inform the House of Delegates thereof.

No. 150, House bill entitled an act to amend and re-enact an act entitled an act to amend and re-enact the 11th section of chapter 188 of the Code of Virginia, in relation to debtor's estates, was taken up, twice read, and referred to the committee for courts of justice.

No. 169, House bill entitled act to provide for the payment of the amount due from the State on account of her subscription to the Saltville and Laurel Turnpike Company, was taken up, twice read, and referred to the committee on finance.

No. 317, House bill entitled an act for the relief of Ann Sipe of Lickinghole township, in Goochland county, was taken up, twice read, and, on motion of Mr. Martin, the rule requiring the commitment of the same being suspended, was read the third time, and the question on the passage thereof being put, was determined in the affirmative—ayes 28, noes none.

The vote was recorded as follows:

Ayes—Messrs. Anderson of Pittsylvania, Anderson of Rockbridge, Beazley, Boykin, Cochran, Graham, Green, Greever, Grimsley, Herndon, Holladay, Hundley, Johnson, Martin, Meem, Norton, Penn, Perrin, Quesenberry, Rixey, Robinson, Roller, Stevens, Taylor of Loudoun, Taylor of Norfolk city, Terry, Ward, and Wynne—28.

Noes—none.

The title was then agreed to.

Ordered, That the clerk inform the House of Delegates thereof.

No. 179, House bill entitled an act to amend and re-enact section 10, chapter 202, Code of 1860, so as to restrict the compensation of physi-

cians in attendance upon coroner's inquests, was taken up, twice read, and referred to the committee on general laws.

No. 167, House bill entitled an act to authorize the Board of Supervisors of the several counties to appoint a physician and nurse to attend the poor, and to regulate their compensation, was taken up, twice read, and referred to the committee on county, city, and town organizations.

No. 207, House bill entitled an act to amend and re-enact section 2, chapter 164 of the Code of 1860, in reference to attorneys at law, was taken up, twice read, and referred to the committee for courts of justice.

Mr. Fitzpatrick, from the committee on general laws, reported with an amendment to the title,

No. 254, Senate bill to amend and re-enact certain sections of an act approved day of 1873, entitled an act to incorporate the Richmond Building and Improvement Company.

And he, from the same committee, reported without amendment,

No. 264, Senate bill to repeal an act approved July 11th, 1870, entitled an act to authorize the Governor to exchange the arms of the State for Roberts' breech-loading guns.

Mr. Taylor of Norfolk city, from the committee on roads and internal navigation, reported, asking to be discharged from the further consideration of the same,

No. 253, Senate bill to incorporate the Manchester Railway and Land Improvement Company; which was subsequently taken up, on motion of Mr. Wynne, the committee discharged, and the bill was read the second, and ordered to be engrossed and read a third time, and being forthwith engrossed, was, on motion of Mr. Wynne (two-thirds concurring), read the third time and passed with its title.

Ordered, That the clerk inform the House of Delegates thereof and request their concurrence therein.

And he, from the same committee, reported, asking to be discharged from the further consideration of the bill, and that it be referred to the committee on general laws,

No. 164, Senate bill to authorize counties, cities, towns, and townships to endorse the bonds of the Washington, Cincinnati, and St. Louis Railroad Company, with the amendment proposed by the House of Delegates.

Mr. Thomas, from the committee on finance, reported without amendment,

No. 258, Senate bill to authorize an artificial arm, or commutation therefor, to be issued to Moses Cavanaugh.

And he, from the same committee, reported asking to be discharged from its further consideration,

No. 129, Senate bill to amend and re-enact section 47 of an act entitled an act to amend and re-enact the 47th section of chapter 58 of the Code of Virginia (edition of 1860), as amended by an act entitled an act making certain banks of the city of Richmond depositories of public money, passed April 29th, 1867, and the act approved March 29th, 1871, so as to establish such depositories in the city of Richmond.

Mr. Anderson of Rockbridge, from the committee on public institutions, reported without amendment,

No. 201, House joint resolution memorializing Congress to donate public lands for public free schools in Virginia.

He, from the same committee, reported with amendments,

No. 132, House bill entitled an act to amend and re-enact the 6th section of an act entitled an act to provide for the organization of county school boards, and prescribing the powers and duties of said boards, and to amend and re-enact 40th section of the act entitled an act to establish and maintain a uniform system of public free schools, approved July 11th, 1870, approved February 21st, 1872.

He, from the same committee, reported without amendment,

No. 248, Senate bill to authorize the division of Speedwell school district, in the county of Wythe, into two school districts.

And he, from the same committee, presented the following joint resolution :

Resolved (the House of Delegates concurring), That the Superintendent of public buildings be authorized and required to have Adjutant-General's office put in proper repair, under the direction of the Adjutant-General; provided, that the cost in making such repairs shall not exceed fifty dollars.

Mr. Herndon, from the committee for courts of justice, reported with a substitute therefor,

No. 228, Senate bill to amend an act districting the State for county judges.

No. 274, House bill entitled an act to incorporate the town of Louisa, in Louisa county, was taken up, on motion of Mr. Herndon, read the third time and passed with its title.

On motion of Mr. Herndon, it was

Ordered, That Mr. Taylor of Loudoun inform the House of Delegates thereof.

Mr. Ward, by leave, presented

No. 267, A bill to authorize the corporate authorities of Winchester to borrow money; which, on his motion, was read the first, and ordered to be read a second time.

A message was received from the House of Delegates by Mr. Pierce, who informed the Senate that that House had agreed to the following preamble and joint resolution :

Whereas charges have been made against the Mount Vernon Ladies' Association detrimental to the character of said incorporation; and whereas it is of great importance that every facility may be afforded those whose patriotism may prompt them to visit the final resting place of the Father of his Country; therefore,

Resolved by the House of Delegates (the Senate concurring), That a committee of three on the part of the House and two on the part of the Senate be appointed to investigate the conduct of said Mount Vernon Ladies' Association, and that said committee be authorized to send for persons and papers, and that said committee be and is hereby requested to report by bill or otherwise.

The resolution was agreed to, and Messrs. Thomas and Rixey were appointed the committee.

No. 125, House bill entitled an act to amend and re-enact section 14 of chapter 177 of the Code of 1860, in relation to interest, was taken up, on motion of Mr. Quesenberry—when,

On motion of Mr. Hundley, the vote by which the bill was ordered to its third reading was reconsidered; and he thereupon move to amend the bill by striking out, in the 15th and 16th lines of the 14th amended section, the words “it shall not be lawful for,” and by inserting after the word “tried,” in the 16th line of same section, the words “may, in their discretion, refuse.”

On this proposition Mr. Ward demanding the pending question which was ordered; and being put, was determined in the negative—ayes 14, noes 21.

On motion of Mr. Hundley, the vote was recorded as follows:

Ayes—Messrs. Anderson of Pittsylvania, Beazley, Boykin, Herndon, Holladay, Hundley, Johnson, Kirkpatrick, Meem, Penn, Taylor of Loudoun, Taylor of Norfolk city, Terry, and Wynne—14.

Noes—Messrs. Anderson of Rockbridge, Cochran, Fitzpatrick, French, Graham, Greene, Greever, Grimsley, Lackland, Martin, Norton, Nowlin, Patterson, Perrin, Quesenberry, Rixey, Robinson, Roller, Smith, Stevens, and Ward—21.

The question recurring on ordering the bill to its third reading,

Mr. Fitzpatrick demanded the pending question, which was ordered; and being put, was determined in the affirmative.

The bill was then read the third time, and the question on the passage of the bill being put, was determined in the affirmative—ayes 20, noes 17.

On motion of Mr. Fitzpatrick, the vote was recorded as follows:

Ayes—Messrs. Cochran, Fitzpatrick, French, Greever, Grimsley, Herndon, Lackland, Martin, Norton, Nowlin, Patterson, Penn, Quesenberry, Rixey, Robinson, Roller, Smith, Stevens, Ward, and Wynne—20

Noes—Messrs. Anderson of Pittsylvania, Anderson of Rockbridge, Beazley, Boykin, Graham, Greene, Holladay, Hundley, Johnson, Kirkpatrick, Lathrop, Meem, Nutting, Perrin, Taylor of Loudoun, Taylor of Norfolk city, and Terry—17.

Mr. Penn moved to reconsider the vote by which the bill passed. And

Mr. Kirkpatrick demanded the pending question, which was ordered; and being put, was determined in the affirmative—ayes 19, noes 15.

On motion of Mr. Hundley, the vote was recorded as follows:

Ayes—Messrs. Anderson of Pittsylvania, Anderson of Rockbridge, Beazley, Boykin, Greene, Greever, Holladay, Hundley, Johnson, Kirkpatrick, Lackland, Lathrop, Meem, Penn, Perrin, Taylor of Loudoun, Taylor of Norfolk city, Terry, and Wynne—19.

Noes—Messrs. Cochran, Fitzpatrick, French, Grimsley, Herndon, Martin, Norton, Nowlin, Quesenberry, Rixey, Robinson, Roller, Smith, Stevens, and Ward—15. Thereupon

Mr. Kirkpatrick moved that the bill be laid on the table; and on this proposition he demanded the pending question, which was ordered, and being put, was determined in the negative—ayes 14, noes 19.

On motion of Mr. Quesenberry, the vote was recorded as follows:

Ayes—Messrs. Anderson of Pittsylvania, Beazley, Boykin, Greene, Johnson, Kirkpatrick, Lathrop, Meem, Penn, Perrin, Taylor of Loudoun, Taylor of Norfolk city, Terry, and Wynne—14.

Noes—Messrs. Anderson of Rockbridge, Cochran, Connally, Fitzpatrick, French, Greever, Grimsley, Lackland, Martin, Norton, Nowlin, Patterson, Quesenberry, Rixey, Robinson, Roller, Smith, Stevens, and Ward—19.

Mr. Penn moved that the vote by which the bill was ordered to its third reading be reconsidered. And

Mr. Quesenberry demanded the pending question, which was ordered; and being put, was determined in the affirmative—ayes 20, noes 16.

On motion of Mr. Quesenberry, the vote was recorded as follows:

Ayes—Messrs. Anderson of Pittsylvania, Anderson of Rockbridge, Beazley, Boykin, Greene, Greever, Holladay, Hundley, Johnson, Kirkpatrick, Lackland, Lathrop, Meem, Nutting, Penn, Perrin, Taylor of Loudoun, Taylor of Norfolk city, Terry, and Wynne—20.

Noes—Messrs. Cochran, Connally, Fitzpatrick, French, Graham, Grimsley, Martin, Norton, Patterson, Quesenberry, Rixey, Robinson, Roller, Smith, Stevens, and Ward—16.

Mr. Penn moved to amend the bill by adding at the end of the 14th amended section the words “and on any judgment or decree heretofore rendered, which has not been paid, the defendant may, on motion, after notice to the plaintiff, cause the same to be reviewed by the court in which it was rendered; and on the rehearing of the said cause the judgment or decree shall be rendered in accordance with the provisions of this act.”

The question being on agreeing to the amendment,

Mr. Quesenberry demanded the pending question, which was ordered; and being put, was determined in the affirmative.

The question being on ordering the bill as amended to its third reading,

Mr. Fitzpatrick demanded the pending question, which was ordered; and being put, was determined in the affirmative.

The bill was then read the third time, and the question being on the passage of the bill,

Mr. Quesenberry demanded the pending question, which was ordered; and being put, was determined in the negative—ayes 18, noes 18.

On motion of Mr. Quesenberry, the vote was recorded as follows:

Ayes—Messrs. Cochran, Connally, Fitzpatrick, French, Graham, Greever, Grimsley, Hundley, Lackland, Nowlin, Patterson, Quesenberry, Rixey, Robinson, Roller, Smith, Stevens, and Ward—18.

Noes—Messrs. Anderson of Pittsylvania, Anderson of Rockbridge, Beazley, Boykin, Greene, Holladay, Johnson, Kirkpatrick, Martin, Meem, Norton, Nutting, Penn, Perrin, Taylor of Loudoun, Taylor of Norfolk city, Terry, and Wynne—18.

Ordered, That the clerk inform the House of Delegates thereof.

No. 159, House bill entitled an act in relation to the interest on money

or other thing, being the order of the day, was taken up, on motion of Mr. Kirkpatrick—when

Mr. Nutting made an unsuccessful motion to adjourn.

The question being on agreeing to the substitute proposed by the committee for courts of justice,

Mr. Graham demanded the pending question, which was ordered; and being put, was determined in the affirmative—ayes 22, noes 17.

On motion of Mr. Fitzpatrick, the vote was recorded as follows:

Ayes—Messrs. Anderson of Pittsylvania, Anderson of Rockbridge, Boykin, Connally, Graham, Greene, Herndon, Holladay, Johnson, Kirkpatrick, Lathrop, Martin, Norton, Nowlin, Nutting, Penn, Perrin, Robinson, Stevens, Taylor of Norfolk city, Terry, and Wynne—22.

Noes—Messrs. Beazley, Cochran, Fitzpatrick, French, Greever, Grimsley, Hundley, Lackland, Meem, Patterson, Quesenberry, Rixey, Roller, Smith, Taylor of Loudoun, Thomas, and Ward—17.

Mr. French moved to lay the bill on the table. And

Mr. Graham demanded the pending question, which was ordered; and being put, was determined in the negative.

Mr. Anderson of Rockbridge moved to reconsider the vote by which the substitute proposed by the committee for courts of justice was agreed to; and the question being put, was determined in the negative, on division—ayes 14, noes 24.

The question being on ordering the bill as amended to its third reading,

Mr. Graham demanded the pending question, which was ordered—when

Mr. French moved to adjourn; and the question being put thereon, was determined in the negative, on division—ayes 14, noes 21.

The question recurring on ordering the bill to its third reading, and the pending question having been ordered, was put and determined in the affirmative—ayes 21, noes 17.

On motion of Mr. Taylor of Loudoun, the vote was recorded as follows:

Ayes—Messrs. Anderson of Pittsylvania, Boykin, Connally, Graham, Greene, Herndon, Holladay, Johnson, Kirkpatrick, Lathrop, Martin, Norton, Nowlin, Nutting, Penn, Perrin, Robinson, Stevens, Taylor of Norfolk city, Terry, and Wynne—21.

Noes—Messrs. Beazley, Cochran, Fitzpatrick, French, Greever, Grimsley, Hundley, Lackland, Meem, Patterson, Quesenberry, Rixey, Roller, Smith, Taylor of Loudoun, Thomas, and Ward—17.

The question being on the passage of the bill as amended,

Mr. Nowlin demanded the pending question—when

Mr. Fitzpatrick moved to adjourn; and the question being put thereon, was determined in the negative—ayes 17, noes 22.

On motion of Mr. Taylor of Norfolk city, the vote was recorded as follows:

Ayes—Messrs. Anderson of Rockbridge, Beazley, Cochran, Fitzpatrick, French, Greever, Grimsley, Lackland, Patterson, Quesenberry, Rixey, Roller, Smith, Taylor of Loudoun, Terry, Thomas, and Ward—17.

Noes—Messrs. Anderson of Pittsylvania, Boykin, Connally, Graham, Greene, Herndon, Holladay, Hundley, Johnson, Kirkpatrick, Martin, Meem, Norton, Nowlin, Nutting, Penn, Perrin, Robinson, Stevens, Taylor of Norfolk city, and Wynne—22.

The question recurring on Mr. Nowlin's demand for the pending question on the passage of the bill, and the question being, "Shall the pending question be now put?"

Mr. Quesenberry moved to adjourn; and the question being put, was determined in the negative—*ayes* 16, *noes* 20.

On motion of Mr. Taylor of Norfolk city, the vote was recorded as follows:

Ayes—Messrs. Anderson of Rockbridge, Beazley, Boykin, Cochran, Fitzpatrick, French, Greever, Grimsley, Lackland, Perrin, Quesenberry, Roller, Taylor of Loudoun, Terry, Thomas, and Ward—16.

Noes—Messrs. Anderson of Pittsylvania, Connally, Graham, Greene, Herndon, Holladay, Hundley, Johnson, Kirkpatrick, Lathrop, Martin, Meem, Norton, Nowlin, Nutting, Penn, Robinson, Stevens, Taylor of Norfolk city, and Wynne—20.

The question, "Shall the pending question be now put?" recurring, and being put, was determined in the affirmative—*ayes* 22, *noes* 16.

On motion of Mr. Taylor of Loudoun, the vote was recorded as follows:

Ayes—Messrs. Anderson of Pittsylvania, Boykin, Connally, Graham, Greene, Herndon, Holladay, Hundley, Johnson, Kirkpatrick, Lathrop, Martin, Meem, Norton, Nowlin, Nutting, Penn, Perrin, Robinson, Taylor of Norfolk city, Terry, and Wynne—22.

Noes—Messrs. Anderson of Rockbridge, Beazley, Cochran, Fitzpatrick, French, Greever, Grimsley, Lackland, Quesenberry, Rixey, Roller, Smith, Stevens, Taylor of Loudoun, Thomas, and Ward—16.

The question on the passage of the bill being put, was determined in the affirmative—*ayes* 21, *noes* 17.

On motion of Mr. Fitzpatrick, the vote was recorded as follows:

Ayes—Messrs. Anderson of Pittsylvania, Boykin, Connally, Graham, Greene, Herndon, Holladay, Johnson, Kirkpatrick, Lathrop, Martin, Norton, Nowlin, Nutting, Penn, Perrin, Robinson, Stevens, Taylor of Norfolk city, Terry, and Wynne—21.

Noes—Messrs. Anderson of Rockbridge, Beazley, Cochran, Fitzpatrick, French, Greever, Grimsley, Hundley, Lackland, Meem, Quesenberry, Rixey, Roller, Smith, Taylor of Loudoun, Thomas, and Ward—17.

The title of the bill was then agreed to.

On motion of Mr. Penn, it was

Ordered, That he inform the House of Delegates thereof and request their concurrence in the amendment.

Mr. Lathrop moved to adjourn; and the question being put thereon, was determined in the affirmative—*ayes* 21, *noes* 10.

On motion of Mr. French, the vote was recorded as follows:

Ayes—Messrs. Anderson of Pittsylvania, Anderson of Rockbridge,

Beazley, Connally, Fitzpatrick, Graham, Greene, Grimsley, Herndon, Hundley, Kirkpatrick, Lackland, Lathrop, Meem, Norton, Nutting, Penn, Quesenberry, Rixey, Ward, and Wynne—21.

Noes—Messrs. French, Greever, Holladay, Johnson, Martin, Robinson, Roller, Smith, Taylor of Loudoun, and Thomas—10.

The chair announced the Senate adjourned until to-morrow, twelve o'clock.

SATURDAY, MARCH 8, 1873.

A communication from the House of Delegates, by their clerk, was read as follows:

In House of Delegates, March 7, 1873.

The House of Delegates have agreed to the amendment of the Senate to House bill entitled an act to incorporate the Nansemond Land, Lumber and Narrow Gauge Railway Company, No. 171.

Mr. Herndon, from the committee for courts of justice, reported without amendment,

No. 250, Senate bill to amend and re-enact section 38 of chapter 57 of the Code of 1860, as to the pleading of usury by chartered companies.

He, from the same committee, reported with a substitute therefor,

No. 116, House bill entitled an act to more effectually punish embezzlement; which was subsequently taken up, on motion of Mr. Taylor of Loudoun, and, on his further motion, the substitute proposed by the committee was ordered to be printed.

He, from the same committee, reported without amendment,

No. 196, House bill entitled an act to amend and re-enact the 1st and 2nd sections of the 169th chapter of the Code of 1860, as amended by the 12th chapter of the Acts of 1863-4, and by the 18th chapter of the Acts of 1864-5, prescribing the courts in which legal proceedings are commenced.

He, from the same committee, reported without amendment.

No. 195, House bill entitled an act to amend and re-enact the 7th section of the 170th chapter of the Code of 1860, in relation to the service of process or notice to a corporation.

He, from the same committee, reported with the recommendation that it do not pass,

No. 207, House bill entitled an act to amend and re-enact section 2 of chapter 164 of the Code of 1860, in reference to attorneys at law.

He, from the same committee, reported without amendment,

No. 199, House bill entitled an act to amend the 3rd section of chapter 188 of the Code of 1860, relative to the mode of enforcing recoveries of money on executions.

He, from the same committee, reported without amendment,

No. 150, House bill entitled an act to amend and re-enact an act en-

titled an act to amend and re-enact the 11th section of chapter 188 of the Code of Virginia, in relation to debtor's estate.

And he, from the same committee, reported without amendment,

No. 198, House bill entitled an act to amend the 1st section of chapter 115 of the Code of Virginia (edition of 1860), as amended by chapter 203 of an act passed February 16th, 1867, in relation to aliens.

Mr. Thomas, from the committee on finance, reported without amendment,

No. 261, Senate bill to authorize the sureties of J. C. Robertson, late sheriff of Page county, to discharge the judgments against them in favor of the Commonwealth with the bonds of the Commonwealth.

Mr. Taylor of Norfolk city, from the committee on roads and internal navigation, reported without amendment,

No. 260, Senate bill to amend and re-enact an act passed December 19th, 1866, entitled an act authorizing the Southwestern Virginia Mining, Smelting and Transportation Company to construct a railroad from King's Salt Works to a point on the Virginia and Tennessee Railroad at or near Dublin.

Mr. Wynne, by leave, presented

No. 268, A bill directing the Auditor of Public Accounts to receive from the sureties of Robert F. Vaughan, late sheriff of Goochland county, coupon bonds of the State in payment of their liabilities as such sureties; which, on his motion, was read the first, and ordered to be read a second time.

Mr. Quesenberry, by leave, presented

No. 269, A bill to amend and re-enact section 14 of chapter 177 of the Code of 1860, in relation to interest; which, on his motion, was read the first, and ordered to be read a second time.

Mr. Martin, by leave, presented

No. 270, A bill to incorporate the Manchester Bridge Company; which, on his motion, was read the first, and ordered to be read a second time, and referred to the committee on general laws.

Mr. Anderson of Rockbridge, by leave, presented

No. 271, A bill to authorize the Board of Supervisors of Bath county to borrow money to defray the cost of erecting a bridge over the Cowpasture river; which, on his motion, was read the first, and ordered to be read a second time; and in connection therewith he presented

The petition of the Board of Supervisors of Bath county, asking for authority to borrow money to defray the cost of the erection of a bridge over the Cowpasture river.

Mr. Anderson of Rockbridge, by leave, presented

No. 272, A bill to amend and re-enact section 1 of chapter 21 of the Code of 1860, concerning the Superintendent of Public Buildings; which, on his motion, was read the first, and ordered to be read a second time.

Mr. Anderson of Rockbridge, by leave, presented

No. 273, A bill supplemental to the act entitled an act to require manufacturers of fertilizers to label their packages with a correct analysis of the same, in force March 29th, 1871, so as to more effectually pre-

vent the sale of spurious and adulterated fertilizers; which, on his motion, was read the first, and ordered to be read a second time, and referred to the committee on general laws.

Mr. Lackland, by leave, presented

No. 274, A bill to authorize the Board of Supervisors for Craig county to contract for keeping in repair so much of Price's turnpike road as lies in said county; which, on his motion, was read the first, and ordered to be read a second time, and referred to the committee on roads and internal navigation.

Mr. Fitzpatrick, by leave, presented

No. 275, A bill to authorize county courts to declare water courses lawful fences; which, on his motion, was read the first, and ordered to be read a second time, and referred to the committee on general laws.

Mr. Hundley moved to take up the joint resolution fixing a time for the election of county judges; and on this proposition

Mr. Greever demanded the pending question, which was ordered; and being put, was determined in the negative—ayes 15, noes 18.

On motion of Mr. Robinson, the vote was recorded as follows:

Ayes—Messrs. Anderson of Pittsylvania, Anderson of Rockbridge, Beazley, Boykin, Connally, Hundley, Johnson, Kirkpatrick, Meem, Perrin, Roller, Taylor of Loudoun, Taylor of Norfolk city, Terry, and Wynne—15.

Noes—Messrs. Cochran, French, Graham, Greene, Greever, Lackland, Norton, Nowlin, Nutting, Patterson, Penn, Quesenberry, Rixey, Robinson, Smith, Stevens, Thomas, and Ward—18.

On motion of Mr. Quesenberry,

Resolved, That the committee on finance enquire into the expediency of providing that parties transferring bonds or stocks in the office of the Second Auditor shall pay a sufficient sum for such privilege to indemnify the State for the cost of printing such bonds as may be cancelled.

Mr. Roller offered the following joint resolution, which lies over under the rules:

Resolved (the House of Delegates concurring), That after Monday next, the 10th of March, no new business, except the election of county judges, shall be introduced and considered in either House of the General Assembly; and this resolution shall not be suspended without the consent of two-thirds of each House.

Mr. Roller moved to suspend the rules for the purpose of considering the resolution to-day; and the question being put thereon, was determined in the negative.

On motion of Mr. Taylor of Loudoun, Mr. Beazley was granted leave of absence for three days from Monday next.

On motion of Mr. Connally, Mr. Holladay was granted an indefinite leave of absence.

On motion of Mr. Nowlin, the Senate proceeded to the consideration of bills on their second and first reading.

No. 219, Senate bill to amend and re-enact sections 17 and 20 of an act approved March 21st, 1871, entitled an act to amend and re-enact an act entitled an act to incorporate the town of Liberty, in the county

of Bedford, and to add to said charter sections 24, 25, 26, 27, and 28, was taken up, and the amendments proposed by the committee on general laws were agreed to, and as amended was ordered to be engrossed and read a third time.

No. 164, Senate bill entitled an act to authorize counties, cities, towns, and townships to endorse the bonds of the Washington, Cincinnati and St. Louis Railroad Company, with the amendment proposed by the House of Delegates, was taken up, and committee on roads and internal navigation discharged from its further consideration, and the bill referred to the committee on general laws.

No. 263, Senate bill to repeal section 5 of the act entitled an act fixing the salaries of the judges of the several courts of the Commonwealth, and the pay for the reporter for the Court of Appeals, approved May 18th, 1870, was taken up, read the second time—when

Mr. Taylor of Loudoun moved to refer the bill to the committee for courts of justice—pending which,

On motion of Mr. Nowlin, the bill was laid on the table.

No. 265, Senate bill to amend and re-enact section 1 of an act passed April 27th, 1867, entitled an act to incorporate the Planters and Mechanics Insurance Company of Danville, and to change its name to the Danville Banking and Insurance Company, was taken up, read the second, and ordered to be engrossed and read a third time.

No. 266, Senate bill to enable the trustees of Mount Tabor church, in Augusta county, and their successors in office, to receive and hold a bequest under the will of Margaret Cale, deceased, was taken up, read the second, and ordered to be engrossed and read a third time.

No. 228, Senate bill to amend an act districting the State for county judges, was taken up, read the second time, and, on motion of Mr. Nowlin, was laid on the table.

No. 259, Senate bill to provide for placing on the commissioners' books the lands in the Commonwealth, and to amend sections 2, 18, 20, 25, and 28 of chapter 37, Code of 1860, in relation to the sales of forfeited and delinquent lands, and for other purposes, was taken up, read the first, and ordered to be read a second time.

No. 129, Senate bill to amend and re-enact section 47 of an act entitled an act to amend and re-enact the 47th section of chapter 58 of the Code of Virginia (edition of 1860), as amended by an act entitled an act making certain banks of the city of Richmond depositories of public money, passed April 29th, 1867, and the act approved March 29th, 1871, so as to establish such depositories in the city of Richmond, was taken up, read the second time, and, on motion of Mr. Roller, laid on the table.

No. 258, Senate bill to authorize an artificial arm, or commutation therefor, to be issued to Moses Cavanaugh, was taken up, read the second, and ordered to be engrossed and read a third time.

No. 248, Senate bill to authorize the division of Speedwell school district, in the county of Wythe, into two school districts, was taken up, read the second, and ordered to be engrossed and read a third time.

No. 267, Senate bill to authorize the corporate authorities of Win-

chester to borrow money, was taken up, read the second, and ordered to be engrossed and read a third time.

Mr. Roller offered the following resolution :

Resolved, That the House of Delegates be respectfully requested to return to the Senate the communication announcing the rejection of House bill. No. 125, entitled an act to amend the 14th section of chapter 177 of the Code of 1860, in relation to interest, and with it the said bill.

And the question being put on agreeing to the said resolution, was determined in the affirmative—ayes 16, noes 15.

On motion of Mr. Roller, the vote was recorded as follows:

Ayes—Messrs. Cochran, Connally, French, Graham, Greever, Grimsley, Lackland, Martin, Norton, Patterson, Quesenberry, Rixey, Robinson, Roller, Smith, and Ward—16.

Noes—Messrs. Anderson of Pittsylvania, Beazley, Boykin, Fitzpatrick, Greene, Hundley, Johnson, Kirkpatrick, Meem, Penn, Perrin, Taylor of Loudoun, Taylor of Norfolk city, Terry, and Wynne—15.

On motion of Mr. Roller, it was

Ordered, That he carry the resolution to the House of Delegates and request their compliance therewith.

Shortly thereafter a message was received from the House of Delegates by Mr. O'Ferrall, who informed the Senate that that House had instructed him to return the said bill. Subsequently

Mr. Martin moved that the vote by which the said bill was rejected be reconsidered—when

The President ruled that the announcement to the House of Delegates of the fact of the rejection of the said bill by the Senate put the bill beyond the control of the Legislature, and it was incompetent to reconsider the vote by which the same was rejected.

From this decision of the chair Mr. Thomas appealed; and, on his motion, the further consideration of the appeal was postponed until Tuesday next.

The joint resolution for repairs to the office of the Adjutant-General, was taken up and read; and, on motion of Mr. Greever, the same was amended by striking out the words "fifty dollars," and inserting in lieu thereof the words "twenty-five dollars."

On motion of Mr. Greene, the said resolution was laid on the table.

Mr. Wynne, by leave, presented

No. 276, A bill to provide for the publication, distribution, and sale of Commodore Maury's second report upon the resources of Virginia, and the map accompanying the same; which, on his motion, was read the first, and ordered to be read a second time.

Mr. Quesenberry, by leave, presented

No. 277, A bill to establish and incorporate the Tazewell County Agricultural and Mechanical Society, and to appoint a police for the same; which, on his motion, was read the first, and ordered to be read a second time.

No. 97, A bill to incorporate the Augusta Mining and Improvement

Company, was taken up, on motion of Mr. Roller, read the third time and passed with its title.

Ordered, That the clerk inform the House of Delegates thereof and request their concurrence therein.

Mr. Greene offered the following resolution :

Resolved, That the House of Delegates be requested to return to the Senate Senate bill No. 200, being a bill to amend and re-enact section 39 of chapter 184 of the Code of 1860, as amended, concerning allowance of certain officers—pending the consideration of which

Mr. Patterson moved that the Senate adjourn; and the question being put thereon, was determined in the affirmative—*ayes* 14, *noes* 10.

On motion of Mr. Thomas, the vote was recorded as follows:

Ayes—Messrs. Anderson of Pittsylvania, Beazley, Boykin, Fitzpatrick, Hundley, Johnson, Kirkpatrick, Lackland, Martin, Patterson, Penn, Quesenberry, Taylor of Loudoun, and Wynne—14.

Noes—Messrs. Anderson of Rockbridge, Cochran, French, Greene, Greever, Nowlin, Perrin, Roller, Stevens, and Thomas—10.

The President announced that the Senate stood adjourned until Monday, twelve o'clock.

MONDAY, MARCH 10, 1873.

Mr. Thomas, President pro tempore, in the chair.

Mr. Fitzpatrick, from the committee on general laws, reported without amendment,

No. 270, House bill entitled an act to amend and re-enact an act to amend and re-enact the second section of an act entitled an act to regulate the taking of fish for the purpose of manufacturing oil or manure, approved March 23rd, 1871, approved March 15th, 1872.

He, from the same committee, reported without amendment,

No. 158, House bill entitled an act to prohibit obstruction to the fisheries in Chesapeake bay, Lynn Haven bay, or Willoughby's bay, from Cape Henry to Sewell's Point.

He, from the same committee, reported with the recommendation that it do not pass,

No. 179, House bill entitled an act to amend and re-enact section 10, chapter 202, Code of 1860, so as to restrict the compensation of physicians in attendance upon coroner's inquest.

He, from the same committee, reported with the recommendation that the Senate agree to the amendment proposed by the House of Delegates,

No. 164, Senate bill entitled an act to authorize counties, cities, towns, and townships to endorse the bonds of the Washington, Cincinnati and St. Louis Railroad Company.

And he, from the same committee, reported with a substitute therefor,

No. 257, Senate bill for the governing of warehouses and the issuing of warehouse receipts.

Mr. Cochran, from the committee on finance, reported with an amendment,

No. 169, House bill entitled an act to provide for the payment of the amount due from the State on account of her subscription to the Saltville and Laurel Turnpike Company.

And he, from the same committee, presented

No. 278, A bill to authorize the Board of Directors of the Western Lunatic Asylum to convey a certain lot or parcel of land to William B. Kayser of the city of Staunton; which, on motion of Mr. Cochran, was taken up, read the first, and ordered to be read a second time.

On motion of Mr. Connally, Mr. Holladay was discharged from further service on the select committee to investigate charges against the Central Lunatic Asylum; and the President thereupon appointed Mr. Connally on said committee.

Mr. Anderson of Pittsylvania, by leave, presented

No. 279, A bill to authorize the Common Council of the town of Danville to borrow money; which, on his motion, was read the first, and ordered to be read a second time.

Mr. Lackland, by leave, presented

No. 280, A bill to authorize the Board of Supervisors of Alleghany county to contract for keeping in repair certain public roads in said county; which, on his motion, was read the first, and ordered to be read a second time, and referred to the committee on county, city, and town organizations.

The resolution requesting the House of Delegates to return to the Senate Senate bill No. 200, being the unfinished business of yesterday, was taken up and agreed to.

On motion of Mr. Greene, it was

Ordered, That the clerk inform the House of Delegates thereof and request their concurrence therein.

Mr. Roller made an unsuccessful motion to take up joint resolution fixing a limit to the introduction of new business in the General Assembly during the remainder of the session.

No. 224, Senate bill to provide for the establishment of the Southern Lunatic Asylum and to establish the Central Lunatic Asylum on a permanent basis, was taken up, and read the third time.

A motion was made by Mr. Kirkpatrick to lay the bill on the table and make it the order of the day for Wednesday next at one o'clock—when

Mr. Penn made an unsuccessful motion to adjourn.

The question recurring on the motion of Mr. Kirkpatrick, and being put, was determined in the affirmative.

The following bills were taken up, read the third time and passed with their titles:

No. 219, Senate bill to amend and re-enact section 17 of an act approved March 21, 1871, entitled an act to amend and re-enact an act entitled an act to incorporate the town of Liberty, in the county of Bedford, and to add to said charter sections 24, 25, 26, 27, and 28.

No. 265, Senate bill to amend and re-enact section 1 of an act passed

April 27th, 1867, entitled an act to incorporate the Planters and Mechanics Insurance Company of Danville, and to change its name to the Danville Banking and Insurance Company.

No. 266, Senate bill to enable the trustees of Mount Tabor Church, in Augusta county, and their successors in office, to receive and hold a bequest under the will of Margaret Cole, deceased.

No. 248, Senate bill to authorize the division of Speedwell school district, in the county of Wythe, into two school districts. And

No. 267, Senate bill to authorize the corporate authorities of Winchester to borrow money.

No. 258, Senate bill to authorize an artificial arm, or commutation therefor, to be issued to Moses Cavanaugh, was taken up, read the third time; and the question on the passage thereof being put, was determined in the affirmative—ayes 26, noes none.

The vote was recorded as follows:

Ayes—Messrs. Anderson of Pittsylvania, Anderson of Rockbridge, Cochran, Connally, Fitzpatrick, Graham, Greever, Hundley, Johnson, Kirkpatrick, Lackland, Martin, Massey, Meem, Norton, Nowlin, Penn, Perrin, Quesenberry, Rixey, Roller, Stevens, Taylor of Loudoun, Thomas, Ward, and Wynne—26.

Noes—none.

The title was then agreed to.

Ordered, That the clerk inform the House of Delegates of the passage of the preceding six bills and request their concurrence therein.

No. 201, House joint resolution, memorializing Congress to donate public lands for public free schools in Virginia, was taken up, read the third time and agreed to.

Ordered, That the clerk inform the House of Delegates thereof.

No. 132, House bill entitled an act to amend and re-enact the 6th section of an act entitled an act to provide for the organization of county school boards, and prescribing the powers and duties of said boards, and to amend and re-enact 40th section of the act entitled an act to establish and maintain a uniform system of public free schools, approved July 11th, 1870, approved February 21st, 1872, was taken up, and, on motion of Mr. Anderson of Rockbridge, laid on the table.

No. 116, House bill entitled an act to more effectually punish embezzlement, was taken up, and, on motion of Taylor of Loudoun, was laid on the table.

No. 150, House bill entitled an act to amend and re-enact an act entitled an act to amend and re-enact the 11th section of chapter 188 of the Code of Virginia, in relation to debtor's estate, was taken up, read the third time, and passed with its title.

Ordered, That the clerk inform the House of Delegates thereof.

No. 195, House bill entitled an act to amend and re-enact the 7th section of the 170th chapter of the Code of 1860, in relation to the service of process or notice to a corporation, was taken up—when

Mr. Kirkpatrick moved to amend the bill by inserting after the word "corporation," in the 14th line, the words "and no agency or principal office located in this State;" pending which, on motion of Mr. Kirk-

patrick, the bill was recommitted to the committee for courts of justice.

No. 196, House bill entitled an act to amend and re-enact the 1st and 2nd sections of the 169th chapter of the Code of 1860, as amended by the 12th chapter of the Acts of 1863-4, and by the 18th chapter of the Acts of 1864-5, prescribing the courts in which legal proceedings are commenced, was taken up, and, on motion of Mr. Kirkpatrick, the word "debtor," in the 2nd line of the 3d clause, was stricken out, and the word "defendant" was inserted in lieu thereof, and the bill as amended was read the third time and passed with its title.

Ordered, That the clerk inform the House of Delegates thereof and request their concurrence in the amendment.

No 198, House bill entitled an act to amend the 1st section of chapter 115 of the Code of Virginia (edition of 1860), as amended by chapter 23 of an act passed February 16th, 1867, in relation to aliens, was taken up, read the third time and passed with its title.

Ordered, That the clerk inform the House of Delegates thereof.

No. 207, House bill entitled an act to amend and re-enact section 2 of chapter 164 of the Code of 1860, in reference to attorneys at law, was taken up, and, on motion of Mr. Hundley, was indefinitely postponed.

Ordered, That the clerk inform the House of Delegates thereof.

A message was received from the House of Delegates by Mr. Dooley, who informed the Senate that he was instructed by that House to return to the Senate (in compliance with their resolution), Senate bill to amend and re-enact section 39 of chapter 184 of the Code of 1860, as amended, concerning allowance of certain officers, No. 200.

No. 228, Senate bill to amend an act districting the State for county judges, was taken up, on motion of Mr. Hundley; and the question being on the adoption of the substitute,

Mr. Quesenberry moved to amend the same by striking out the county "King George" where it occurs in the substitute, and annex it to the district comprised of the counties of Westmoreland and Richmond; which was agreed to.

On motion of Mr. Johnson, the county of "Northampton" was stricken out where it occurs in the substitute, and inserted as an independent district.

Mr. Lackland made an unsuccessful motion to strike out the counties "Alleghany" and "Craig" where they occur in the substitute, and insert them as one independent district.

Mr. French moved further to amend the substitute by striking out the counties "Giles" and "Bland" where they occur, and insert them as one independent district; and the question being put thereon, was determined in the negative.

Mr. Taylor of Loudoun moved to reconsider the vote by which the amendment was rejected; and the question being put thereon, resulted —ayes 9, noes 7. No quorum voting,

Mr. Nowlin moved that the Senate adjourn; and the question being put thereon, was determined in the negative—ayes 10, noes 12.

It appearing that a quorum was present, the question recurred on the

motion to reconsider the vote by which the amendment was rejected; and being put, was determined in the negative—ayes 13, noes 14.

On motion of Mr. French, the vote was recorded as follows:

Ayes—Messrs. French, Greever, Lackland, Norton, Patterson, Perrin, Quesenberry, Robinson, Roller, Smith, Stevens, Thomas, and Ward—13.

Noes—Messrs. Anderson of Pittsylvania, Fitzpatrick, Greene, Hundley, Johnson, Kirkpatrick, Martin, Meem, Nowlin, Penn, Rixey, Taylor of Loudoun, Terry, and Wynne—14.

The question being on the adoption of the substitute as amended,

Mr. Meem demanded the pending question, which was ordered, and being put, was determined in the affirmative—ayes 21, noes 7.

On motion of Mr. Roller, the vote was recorded as follows:

Ayes—Messrs. Anderson of Pittsylvania, Fitzpatrick, Greene, Herndon, Hundley, Johnson, Kirpatrick, Lackland, Martin, Meem, Norton, Nowlin, Patterson, Quesenberry, Rixey, Robinson, Taylor of Loudoun, Terry, Thomas, Ward, and Wynne—21.

Noes—Messrs. Anderson of Rockbridge, French, Greever, Penn, Perrin, Smith, and Stevens—7.

Mr. Lackland moved to reconsider the vote by which the substitute was adopted.

Mr. French moved to lay the motion for a reconsideration of the vote on the table, and on this proposition

Mr. Hundley demanded the previous question, which was ordered; and being put, was determined in the negative, on division—ayes 11, noes 12.

The question recurring on the motion to reconsider the vote by which the substitute was adopted, and pending which,

On motion of Mr. Stevens, the Senate adjourned until to-morrow, twelve o'clock.

TUESDAY, MARCH 11, 1873.

No. 200, Senate bill to amend and re-enact section 39 of chapter 184 of the Code of 1860, as amended, concerning allowance of certain officers (returned from the House of Delegates in response to resolution of the Senate), was taken up—when,

On motion of Mr. Greene, the vote by which the bill passed was reconsidered; and, on his further motion, the vote by which the bill was ordered to its engrossment and third reading was reconsidered. Thereupon.

Mr. Greene moved to amend the bill by adding at the end of the 39th amended section the words

“Provided, that the clerks of the Hustings Courts of the cities of Petersburg, Norfolk, Portsmouth, Lynchburg, Fredericksburg, and Alexandria, and the sergeants of said cities and of the city of Richmond, shall receive annually for their services to the public of said cities, such sum

as the judges of said Courts may respectively allow, payable out of the treasuries of said cities."

The question on agreeing to the amendment being put, was determined in the affirmative.

Mr. Penn made a motion, modified at the suggestion of Mr. Nowlin, further to amend the bill by striking out in the clause providing an allowance to the sheriff or sergeant the words "seventy-five dollars," and inserting in lieu thereof the words "two hundred dollars."

The question on agreeing to the amendment being put was determined in the affirmative—*ayes* 25, *noes* none.

On motion of Mr. Penn the vote was recorded as follows:

Ayes—Messrs. Anderson of Pittsylvania, Anderson of Rockbridge, Cochran, Fitzpatrick, Graham, Greene, Grimsley, Herndon, Johnson, Lackland, Lathrop, Martin, Meem, Norton, Nowlin, Nutting, Penn, Perrin, Quesenberry, Rixey, Taylor of Loudoun, Terry, Thomas, Ward, and Wynne—25.

Noes—None.

Mr. Lackland moved further to amend the bill by striking out in the clause providing an allowance to the clerk the words "one hundred and fifty dollars," and inserting in lieu thereof the words "two hundred dollars.

The question on agreeing to the amendment being put, was determined in the affirmative—*ayes* 23, *noes* 6.

On motion of Mr. Lackland, the vote was recorded as follows:

Ayes—Messrs. Anderson of Pittsylvania, Anderson of Rockbridge, Boykin, Cochran, Fitzpatrick, Greene, Greever, Grimsley, Hundley, Johnson, Lackland, Lathrop, Martin, Massey, Meem, Norton, Nutting, Penn, Perrin, Stevens, Terry, Thomas, and Ward—23.

Noes—Messrs. Graham, Herndon, Quesenberry, Robinson, Roller, and Taylor of Loudoun—6.

Mr. Taylor of Loudoun moved further to amend the bill by inserting after the word "Commonwealth," in the 7th line of the 39th amended section, the following proviso:

"And provided further, that counties having over 15,000 inhabitants, the allowance to the sheriff may be increased not exceeding three hundred dollars per annum."

The question on agreeing to the amendment being put, was determined in the affirmative, on division—*ayes* 16, *noes* 8.

The question being on ordering the bill as amended to its engrossment and third reading,

Mr. Penn moved to lay the bill on the table, and the question being put thereon, was determined in the negative, on division—*ayes* 12, *noes* 16.

Mr. Nowlin moved to recommit the bill to the committee for courts of Justice, and the question being put thereon, was determined in the affirmative—*ayes* 25, *noes* 6.

On motion of Mr. Penn, the vote was recorded as follows:

Ayes—Messrs. Anderson of Pittsylvania, Anderson of Rockbridge, Boykin, Cochran, Greever, Grimsley, Herndon, Lackland, Lathrop,

Martin, Massey, Meem, Norton, Nowlin, Nutting, Patterson, Perrin, Quesenberry, Roller, Smith, Stevens, Terry, Thomas, Ward, and Wynne—25.

Noes—Messrs. Fitzpatrick, Hundley, Johnson, Penn, Robinson, and Taylor of Loudoun—6.

No. 2, Senate bill entitled an act to amend and re-enact an act providing for the reassessment of lands in the Commonwealth, passed February 1st, 1872, so as to enable those counties in the State which failed to avail themselves of the provisions of said act to do so, together with the communication from the Governor returning the said bill without his approval, was taken up, on motion of Mr. Cochran, and the question being, “Shall the bill pass notwithstanding the objections of the Governor?”

Mr. Ward demanded the pending question which, was ordered, and being put, was determined in the affirmative—ayes 21, noes 10.

The vote was recorded as follows :

Ayes—Messrs. Cochran, Fitzpatrick, French, Graham, Grimsley, Johnson, Lackland, Lathrop, Martin, Massey, Norton, Nutting, Patterson, Penn, Quesenberry, Robinson, Smith, Taylor of Loudoun, Thomas, Ward, and Wynne—21.

Noes—Messrs. Anderson of Pittsylvania, Anderson of Rockbridge, Boykin, Herndon, Hundley, Meem, Nowlin, Perrin, Rixey, and Terry—10.

On motion of Mr. Cochran, it was,

Ordered that he communicate to the House of Delegates the passage of the bill, together with the objections of the Governor, and request their concurrence in said bill.

On motion of Mr. Fitzpatrick the substitute proposed by the committee on general laws to Senate bill for the governing of warehouses and the issuing of warehouse receipts, No. 257, was ordered to be printed.

On motion of Mr. Penn, Mr. Kirkpatrick was granted a leave of absence for three days.

A communication from the House of Delegates, by their clerk, was read as follows :

In House of Delegates, March 10, 1873.

The House of Delegates have agreed to the amendment of the Senate to House bill entitled an act to amend and re-enact section 6, 14, and 27 of an act providing a charter for the city of Norfolk, in force March 16, 1871, as amended by an act in force March 4, 1872, No. 79; and have passed Senate bill entitled an act to provide for the valuation of life insurance policies No. 189.

They have agreed to the 1st, 3rd, 4th, 5th, 9th and 10th, amendments, have disagreed to the 2nd, 6th and 7th amendments, and have agreed to 8th amendment of the Senate with an amendment to the House bill entitled an act for the preservation of oysters, and to obtain revenue for the privilege of taking them within the waters of the Commonwealth, No. 52; and have disagreed to the amendment of the Senate to House bill entitled an act in relation to the interest on money or other thing, No. 159.

They have passed Senate bills entitled an act to amend and re-enact section 3 of an act passed March 3rd, 1866, providing for adjustment of liabilities arising under contracts and wills made between 1st day of January, 1862, and the 10th day of April, 1865, No. 158 and an act to amend and re-enact the 1st and 5th sections of the act entitled an act to incorporate the Virginia and Northwestern Railroad Company, No. 119 with amendments; and have agreed to Senate joint resolution authorizing the Board of Public Works to audit the claim of Cock & Collier for work done on the Danville and Wytheville turnpike, with an amendment; in which they respectfully request the concurrence of the Senate.

No. 52, House bill entitled an act for the preservation of oysters, and to obtain revenue for the privilege of taking them within the waters of the Commonwealth, with the disagreement of the House of Delegates to the 2nd, 6th and 7th amendments and their agreement with an amendment to the 8th amendment proposed by the Senate to said bill, was taken up, and on motion of Mr. Nowlin, referred to the committee on finance.

No. 159, House bill entitled an act in relation to the interest on money or other thing, with the disagreement of the House of Delegates to the substitute proposed by the Senate was taken up—when,

Mr. Fitzpatrick moved that the Senate recede from its amendment—pending which

Mr. Perrin moved to adjourn, and the question being put thereon, was determined in the affirmative—ayes 17, noes 13.

On motion of Mr. Fitzpatrick, the vote was recorded as follows:

Ayes—Messrs. Anderson of Pittsylvania, Boykin, Graham, Grimsley, Herndon, Hundley, Johnson, Lathrop, Martin, Meem, Norton, Nowlin, Penn, Perrin, Rixey, Stevens, and Wynne—17.

Noes—Messrs. Anderson of Rockbridge, Cochran, Fitzpatrick, French, Greever, Lackland, Massey, Quesenberry, Robinson, Roller, Taylor of Loudoun, Thomas, and Ward—13.

The President announced the Senate adjourned until to-morrow, twelve o'clock.

WEDNESDAY, MARCH 12, 1873.

No. 159, House bill entitled an act in relation to the interest on money or other thing, with the disagreement of the House of Delegates to the substitute proposed by the Senate, being the unfinished business of yesterday, was taken up, and the pending question being on agreeing to the motion to recede from the amendment proposed by the Senate, on motion of Mr. Herndon, the bill was laid on the table.

No. 119, Senate bill entitled an act to amend and re-enact the first and fifth sections of the act entitled an act to incorporate the Virginia and Northwestern Railroad Company, with the amendments proposed by the House of Delegates, was taken up, and the amendments were agreed to.

Ordered, That the clerk inform the House of Delegates thereof.

No. 158, Senate bill entitled an act to amend and re-enact section three of an act passed March 3, 1866, providing for adjustment of liabilities arising under contracts and wills made between 1st day of January, 1862, and the 10th day of April, 1865, with the amendments proposed by the House of Delegates, was taken up, and the amendments were agreed to.

Ordered, That the clerk inform the House of Delegates thereof.

Senate joint resolution authorizing the Board of Public Works to audit the claim of Cock & Collier for work done on the Danville and Wytheville turnpike, with the amendment proposed by the House of Delegates, was taken up, and the amendment agreed to.

Ordered, That the clerk inform the House of Delegates thereof.

A communication from the House of Delegates, by their clerk, was read as follows:

In House of Delegates, March 11, 1873.

The House of Delegates have passed Senate bills entitled an act directing the Board of Public Works to sell the State's interest in the Richmond, Fredericksburg and Potomac Railroad Company, No. 167; an act supplemental to an act to appropriate the income arising from the proceeds of the land scrip accruing to Virginia under act of Congress of July 2d, 1862, and an act amendatory thereof, approved March 19, 1872, No. 209; and an act to amend the act in force February 7, 1872, in relation to the investment of the proceeds arising from the sale of the land scrip donated by Congress to Virginia, No. 210; and have rejected Senate bill entitled an act to prevent forced sales of personal property, No. 173.

They have passed Senate bills entitled an act to amend and re-enact section 1, chapter 125, Code of Virginia (1860), as to maintenance of illegitimate children, No. 138; and an act to prevent the seduction of females, and amending and re-enacting the 16th section of chapter 191, in reference to the abduction of females, No. 124, with amendments; in which they respectfully request the concurrence of the Senate.

No. 138, Senate bill entitled an act to amend and re-enact section 1, chapter 125, Code of Virginia (1860), as to maintenance of illegitimate children, with the amendments proposed by the House of Delegates, was taken up, and, on motion of Mr. Taylor of Loudoun, was referred to the committee for courts of justice.

No. 124, Senate bill entitled an act to prevent the seduction of females, and amending and re-enacting the 16th section of chapter 191, in reference to the abduction of females, with the amendment proposed by the House of Delegates, was taken up, and the amendment agreed to.

Ordered, That the clerk inform the House of Delegates thereof.

Mr. Fitzpatrick, from the committee on general laws, reported with amendments and as not subject to tax,

No. 270, Senate bill to incorporate the Manchester Bridge Company.

He, from the same committee, reported with amendments,

No. 252, Senate bill to provide for the inspection of steam boilers for

the better protection of life and property against accidents arising from steam boiler explosions.

And he, from the same committee, reported with a substitute, No. 230, Senate bill to repeal the provisions of the insurance deposit law, so far as regards foreign companies doing exclusively a marine business.

Mr. Thomas, from the committee on finance, reported with the recommendation that the Senate recede from its 2d and 7th amendments, insist on its 6th amendment, and agree to amendment of House of Delegates to its 8th amendment,

No. 52, House bill entitled an act for the preservation of oysters and to obtain revenue for the privilege of taking them within the waters of the Commonwealth.

Subsequently the bill was taken up, and the Senate receded from their 2d and 7th amendments, and insisted on their 6th amendment, and agreed to the amendment of the House to their 8th amendment to said bill.

Ordered, That the clerk inform the House of Delegates thereof.

He, from the same committee, reported without amendment, No. 197, Senate bill for the relief of Wm. M. McGruder, James Gilman, W. C. Moncure, and others.

And he, from the same committee, presented

No. 282, A bill imposing a tax for transferring bonds or certificates of debt of the Commonwealth.

Mr. Thomas, from the committee on roads and internal navigation, presented

No. 281, Senate bill incorporating Woodstock and Wardensville Turnpike Company.

Mr. Thomas presented the memorial of supervisors of Fairfax county in regard to the redivision of county into townships, and asking for a repeal of said law; which, on his motion, was referred to the committee on general laws.

Mr. Ward, by leave, presented

No. 283, A bill to provide the manner in which certain stock may be voted at the meeting of the internal improvement companies of the State; which, on his motion, was read the first, and ordered to be read a second time, and referred to the committee on roads and internal navigation.

Mr. French, by leave, presented

No. 284, A bill to establish a high school in the town of Jeffersonville, and to constitute said town and the country for three miles around the same a sub-school district, and for other purposes; which, on his motion, was read the first, and ordered to be read a second time.

Mr. French, by leave, presented

No. 285, A bill to amend and re-enact section 1 of chapter 41 of the Code of 1860, and to repeal an act passed February 7th, 1866, in relation to waste and unappropriated lands; which, on his motion, was read the first, and ordered to be read a second time, and referred to the committee for courts of justice.

Mr. French, by leave, presented

No. 286, A bill to amend and re-enact section 2 of chapter 191 of the Code of 1860, in relation to the crime of murder; which, on his motion, was read the first, and ordered to be read a second time, and referred to the committee for courts of justice.

Mr. Smith offered the following preamble and resolutions, which were agreed to:

Whereas, at a meeting of the citizens of Scott county, held on the 11th day of February, 1873, it was resolved that it is the sense and express will of this meeting that the Senator and Representative in the Legislature of Virginia take immediate action looking to the investigation of certain allegations embodied in the resolutions adopted at the meeting referred to, of the citizens of Scott county against the Atlantic, Mississippi and Ohio Railroad Company: Therefore,

1. Resolved, That the preamble and resolutions of the citizens of Scott county be referred to the committee on roads and internal navigation, with instructions to examine into the enquiries and charges as set forth in the above named preamble and resolutions, and to report by bill or otherwise, as soon as possible.

And be it further

Resolved, That in order to secure a thorough investigation of the entire subject contemplated by the preamble and resolutions, that the committee are authorized to send for persons and papers.

And in connection with the resolutions,

Mr. Smith presented a copy of the proceedings of the meeting referred to; which was referred to the committee on roads and internal navigation.

Mr. Herndon offered

Joint resolutions proposing an amendment to section 6 of article 5 of the Constitution of Virginia, in relation to the powers and duties of the General Assembly, for publishing said amendment, and certifying the same to the next General Assembly; which, on his motion, was taken up (the rules being suspended therefor), read the first, and ordered to be read the second time.

The joint resolutions are as follows:

Resolved by the Senate and House of Delegates (a majority of the members elected to each of the two houses agreeing thereto), That the following amendment be and the same is hereby proposed to the Constitution of Virginia, and is hereby referred to the General Assembly to be chosen at the next general election of Senators and members of the House of Delegates for its concurrence, in conformity with article 12 of said Constitution, viz:

Strike from the Constitution of Virginia the 6th section of the 5th article, in reference to the powers and duties of the General Assembly, which is in these words:

“POWERS AND DUTIES OF THE GENERAL ASSEMBLY.

“SEC. 6. The General Assembly shall meet annually, and not of-

tener, unless convened by the Governor in the manner prescribed in this Constitution. No session of the General Assembly after the first under this Constitution shall continue longer than ninety days, without the concurrence of three-fifths of the members elected to each House; in which case the session may be extended for a further period, not exceeding thirty days. Neither House, during the session of the General Assembly, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two Houses shall be sitting. A majority of the members elected to each House shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and shall have power to compel the attendance of absent members in such manner and under such penalty as each House may prescribe."

And insert in lieu thereof the following:

"POWERS AND DUTIES OF THE GENERAL ASSEMBLY.

"SEC. 6. The General Assembly shall meet once in every two years, and not oftener, unless convened by the Governor, in the manner prescribed in this Constitution. No session of the General Assembly after the first under this Constitution shall continue longer than ninety days, without the concurrence of three-fifths of the members elected to each House; in which case the session may be extended for a further period not exceeding thirty days. Neither House, during the session of the General Assembly, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two Houses shall be sitting. A majority of the members elected to each House shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and shall have power to compel the attendance of absent members in such manner and under such penalty as each House may prescribe."

2. Resolved, That the Clerk of the House of Delegates, or the Clerk of the Senate, be authorized and required, or if a vacancy happen in both of said offices, the presiding officer of either House of the General Assembly, be authorized and requested to cause the proposed amendments and these resolutions to be published in some newspaper, published in the city of Richmond, for three months previous to the time of choosing the members of the General Assembly, at the next general election of Senators and members of the House of Delegates.

3. Resolved, That the Clerk of the Senate and Clerk of the House of Delegates be required to transmit to the General Assembly, to be chosen at the next general election of Senators and members of the House of Delegates, a certified copy of said amendments and these resolutions, together with a certificate of publication by the publisher of the newspaper in which the proposed amendments shall have been published.

Mr. Cochran, by leave, presented

No. 287. A bill to amend and re-enact sections 6, 8, and 9 of chapter 90 of Code of 1860, in relation to weighing and selling live stock;

which, on his motion, was read the first, and ordered to be read a second time.

Mr. Herndon, by leave, presented

No. 288, A bill to amend and re-enact section 12 of chapter 144 of the Code of 1860, in relation to writings payable a dead person; which, on his motion, was read the first, and ordered to be read a second time, and referred to the committee for courts of justice.

Mr. Herndon, by leave, presented

No. 289, A bill to promote the increase of population and the investment of capital in Virginia; which, on his motion, was read the first, and ordered to be read a second time, and referred to the committee on immigration.

Mr. Terry, by leave, presented

No. 290, A bill to authorize the corporate authorities of the town of Liberty to borrow money; which, on his motion, was read the first, and ordered to be read a second time, and referred to the committee on general laws.

Mr. French, by leave, presented

No. 291, A bill for the relief of Wm. P. Boyle, Elias Harman, and Franklin G. Helvey; which, on his motion, was read the first, and ordered to be read a second time.

On motion of Mr. Lackland, the committee on county, city, and town organizations was discharged from the further consideration of Senate bill, No. 280, to authorize the Board of Supervisors of Alleghany county to contract for keeping in repair certain public roads in said county, and the same was referred to the committee on roads and internal navigation.

Mr. Nowlin, by leave, presented

No. 292, A bill to amend and re-enact an act for the relief of sheriffs and other officers whose official papers were lost or destroyed during the war, passed March 22d, 1872; which, on his motion, was read the first, and ordered to be read a second time, and referred to the committee for courts of justice.

The President appointed as the committee on the part of the Senate under joint resolution for the appointment of a committee to make suitable arrangements for the reception of the President of the United States, Messrs. Roller, Greever, Taylor of Norfolk, Greene, and Massey.

No. 269, Senate bill to amend and re-enact section 14 of chapter 177 of the Code of 1860, in relation to interest, was taken up, on motion of Mr. Quesenberry, read the second time, and, on his further motion, laid on the table and made the order of the day for to-morrow at one o'clock.

No. 238, House bill entitled an act to provide for the publication of a new edition of the Code of Virginia, was taken up, on motion of Mr. Herndon, read the third time, and the question on the passage thereof being put, was determined in the affirmative—ayes 31, noes none.

The vote was recorded as follows:

Ayes—Messrs. Anderson of Pittsylvania, Boykin, Connally, Fitzpatrick, French, Graham, Greene, Grimesley, Herndon, Hundley,

Johnson, Lackland, Lathrop, Massey, Meem, Norton, Nowlin, Patterson, Penn, Perrin, Quesenberry, Rixey, Robinson, Smith, Taylor of Loudoun, Taylor of Norfolk city, Terry, Thomas, Ward, and Wynne—31.

Noes—none.

The title was then agreed to.

Ordered, That the clerk inform the House of Delegates thereof.

No. 159, Senate bill providing how liens upon real estate may be discharged, was taken up, on motion of Mr. Meem, and the question on the passage thereof being put, was determined in the affirmative.

The title was then agreed to.

On motion of Mr. Meem, it was

Ordered, That he inform the House of Delegates thereof and request their concurrence therein.

Mr. Herndon offered the following preamble and joint resolution, which lie over under the rules:

Whereas it is ascertained that the President of the United States does not intend to visit the State of Virginia during the present session of the General Assembly, be it

Resolved (the House of Delegates concurring), That the joint committee of the General Assembly appointed to make suitable arrangements for the reception of the President in the event of his visit, are hereby discharged from any action under said joint resolution.

On motion of Mr. Herndon (the rules being suspended therefor), the resolution was taken up and agreed to.

On motion of Mr. Quesenberry, it was

Ordered, That Mr. Herndon inform the House of Delegates thereof and request their concurrence therein.

No. 240, Senate bill to incorporate the Suffolk Lumber Company, was taken up, on motion of Mr. Boykin, read the second, and ordered to be engrossed and read third time; and being forthwith engrossed, was, on his further motion (two-thirds concurring), read the third time and passed with its title.

On motion of Mr. Boykin, it was

Ordered, That he inform the House of Delegates thereof and request their concurrence therein.

No. 90, Senate bill to establish the seals of the Commonwealth, was taken up, on motion of Mr. Nowlin—when

Mr. Wynne offered a substitute therefor, which was agreed to, and the bill as amended was ordered to be engrossed and read a third time.

Mr. Anderson of Rockbridge, by leave, presented

No. 293, A bill authorizing the Board of Education to fund the bonds of Virginia belonging to the Literary Fund; which, on his motion, was read the first, and ordered to be read a second time, and referred to the committee on public institutions.

No. 159, House bill entitled an act in relation to the interest on money or other thing, with the disagreement of the House of Delegates to the substitute proposed by the Senate, being the unfinished business of yesterday, was taken up, and the question being on agreeing to the motion “that the Senate recede from its amendment,”

Mr. Hundley demanded the pending question, which was ordered; and being put, was determined in the negative—ayes 13, noes 20.

On motion of Mr. Fitzpatrick, the vote was recorded as follows:

Ayes—Messrs. Anderson of Rockbridge, Cochran, Fitzpatrick, French, Greever, Grimsley, Hundley, Lackland, Meem, Quesenberry, Rixey, Smith, and Taylor of Loudoun—13.

Noes—Messrs. Anderson of Pittsylvania, Boykin, Connally, Graham, Greene, Herndon, Johnson, Lathrop, Martin, Massey, Norton, Nowlin, Penn, Perrin, Robinson, Stevens, Taylor of Norfolk city, Terry, Thomas, and Wynne—20. Thereupon

Mr. Penn offered the following joint resolution:

Resolved (with the concurrence of the House of Delegates), That a committee of conference be appointed, consisting of nine members on the part of the House of Delegates and five members on the part of the Senate, to consider the disagreement between the two houses in relation to House bill, No. 159, entitled an act in relation to the interest on money or other thing.

The question on agreeing to the resolution being put, was determined in the affirmative, on division—ayes 18, noes 8.

On motion of Mr. Penn, it was

Ordered, That he inform the House of Delegates thereof and request their concurrence therein.

No. 262, Senate bill to amend and re-enact section 6 of an act to incorporate the West Point and Hanover Junction Railroad Company, approved July 8th, 1870, was taken up, on motion of Mr. Massey, read the second time, and having been amended on his motion, was ordered to be engrossed and read a third time.

No. 226, Senate bill to regulate the vote of counties, cities, and towns holding shares in the capital stock of railroad or other internal improvement companies, was taken up, on motion of Mr. Ward, and objection being made to the pending amendment to the bill, the question on the amendment was not entertained.

The question on the passage of the bill being put, was determined in the affirmative.

The title of the bill was then agreed to.

Ordered, That the clerk inform the House of Delegates thereof and request their concurrence therein.

No. 270, House bill entitled an act to amend and re-enact an act to amend and re-enact the 2nd section of an act entitled an act to regulate the taking of fish for the purpose of manufacturing oil or manure, approved March 23rd, 1871, approved March 15th, 1872, was taken up, on motion of Mr. Johnson, and the question on the passage of the same being put, was determined in the affirmative.

Ordered, That the clerk inform the House of Delegates thereof.

No. 228, Senate bill to amend an act districting the State for county judges, being unfinished business, was taken up, and, on motion of Mr. Thomas, laid on the table.

Mr. Roller made an unsuccessful motion to take up the following bill:

No. 125, Senate bill to amend and re-enact section 47 of an act entitled an act to amend and re-enact the 47th section of chapter 58 of the Code of Virginia (edition of 1860), as amended by an act entitled an act making certain banks of the city of Richmond depositories of public money, passed April 29th, 1867, and the act approved March 29th, 1867, and the act approved March 29th, 1871, so as to establish such depositories in the city of Richmond.

No. 164, Senate bill entitled an act to authorize counties, cities, towns, and townships to endorse the bonds of the Washington, Cincinnati and St. Louis Railroad Company, with the amendment proposed by the House of Delegates, was taken up, and the said amendment was agreed to.

Ordered, That the clerk inform the House of Delegates thereof.

No. 199, House bill entitled an act to amend the 3rd section of chapter 188 of the Code of 1860, relative to the mode of enforcing recoveries of money on executions, was taken up, read the third time and passed with its title.

Ordered, That the clerk inform the House of Delegates thereof.

No. 158, House bill entitled an act to prohibit obstructions to the fisheries in Chesapeake bay, Lynn Haven bay, or Willoughby's bay from Cape Henry to Sewell's Point, was read the third time and passed with its title.

Ordered, That the clerk inform the House of Delegates thereof.

No. 179, House bill entitled an act to amend and re-enact section 10, chapter 202, Code of 1860, so as to restrict the compensation of physicians in attendance upon coroner's inquests was taken up, and the question on ordering the same to be read a third time being put, was determined in the negative. Therefore,

Resolved, That the said bill be rejected.

No. 169, House bill to provide for the payment of the amount due from the State on account of her subscription to the Saltville and Laurel Turnpike Company, was taken up, and, on motion of Mr. Thomas, laid on the table; subsequently the bill was taken up, and the amendment proposed by the committee on finance was rejected.

The bill was then read the third time, and the question being put on the passage thereof, was determined in the affirmative—ayes 26, noes 2.

The vote was recorded as follows:

Ayes—Messrs. Anderson of Pittsylvania, Anderson of Rockbridge, Boykin, Cochran, Fitzpatrick, French, Greene, Greever, Grimsley, Hundley, Johnson, Meem, Norton, Nowlin, Patterson, Penn, Perrin, Quesenberry, Rixey, Roller, Smith, Taylor of Loudoun, Taylor of Norfolk city, Terry, Thomas, and Ward—26.

Noes—Messrs. Robinson and Stevens—2.

The title of the bill was then agreed to.

Ordered, That the clerk inform the House of Delegates of the passage of said bill.

The following bill was taken up, read the second, and ordered to be engrossed and read a third time.

No. 254, Senate bill to amend and re-enact certain sections of an act

approved day of 1873, entitled an act to incorporate the Richmond Building and Improvement Company.

No. 264, Senate bill to repeal an act approved July 11th, 1870, entitled an act to authorize the Governor to exchange the arms of the State for Roberts' breech-loading guns.

No. 250, Senate bill to amend and re-enact section 38 of chapter 57 of the Code of 1860, as to the pleading of usury by chartered companies.

No. 260, Senate bill to amend and re-enact an act passed December 19th, 1860, entitled an act authorizing the Southwest Virginia Mining, Smelting and Transportaion Company to construct a railroad from King's Saltworks to a point on the Virginia and Tennessee Railroad at or near Dublin.

No. 268, Senate bill directing the Auditor of Public Accounts to receive from the sureties of Robert F. Vaughan, late sheriff of Goochland county, coupon bonds of the State in payment of their liabilities as such sureties.

No. 271, Senate bill to authorize the Board of Supervisors of Bath county to borrow money to defray the cost of erecting a bridge over the Cowpasture river.

No. 277, Senate bill to establish and incorporate the Tazewell County Agricultural and Mechanical Society, and to appoint a police for the same.

No. 278, Senate bill to authorize the Board of Directors of the Western Lunatic Asylum to convey a certain lot or parcel of land to William B. Kayser of the city of Staunton.

No. 272, Senate bill to amend and re-enact section 1 of chapter 21 of the Code of 1860, concerning the Superintendent of Public Buildings.

No. 58, Senate bill to incorporate the Bank of Rockingham (taken up on motion of Mr. Roller.)

No. 275, Senate bill to authorize county courts to declare water courses lawful fences.

The following bill was taken up, read the second time, and, on motion of Mr. Anderson of Rockbridge, laid on the table:

No. 261, A bill to authorize the sureties of J. C. Robertson, late sheriff of Page county, to discharge the judgments against them in favor of the Commonwealth with the bonds of the Commonwealth.

No. 204, Senate bill to authorize the Second Auditor to issue duplicates of certain warrants on the treasury lost or destroyed before payment, was taken up, on motion of Mr. Taylor of Norfolk city, and the question on the passage of the bill being put, was determined in the affirmative—ayes 28, noes 1.

The vote was recorded as follows:

Ayes—Messrs. Anderson of Pittsylvania, Anderson of Rockbridge, Boykin, Cochran, Connally, Fitzpatrick, French, Greene, Greever, Grimsley, Herndon, Hundley, Johnson, Lackland, Norton, Nowlin, Patterson, Penn, Perrin, Quesenberry, Rixey, Smith, Stevens, Taylor of Loudoun, Taylor of Norfolk city, Terry, Thomas, and Ward—28.

No—Mr. Robinson—1.

The title of the bill was then agreed to.

Ordered, That the clerk inform the House of Delegates thereof.

On motion of Mr. Terry, the Senate adjourned until to-morrow, twelve o'clock, on division—ayes 15, noes 11.

THURSDAY, MARCH 13, 1873.

A communication from the House of Delegates, by their clerk, was read as follows:

In House of Delegates, March 12, 1873.

The House of Delegates have agreed to the amendments of the Senate to House bills entitled an act to amend and re-enact section 13, chapter 128 of the Code of Virginia, edition of 1860, and to extend the powers of circuit courts in relation to the estate of infants, No. 138; and an act authorizing the formation of land associations, No. 85; and have agreed to the Senate joint resolution appointing a committee of conference to consider the disagreement between the two Houses in relation to House bill, No. 159, entitled an act in relation to the interest on money or other thing.

Mr. Herndon, from the committee for courts of justice, reported with an amendment,

No. 154, House bill entitled an act to amend and re-enact the 5th section of the 172nd chapter of the Code of Virginia (edition of 1860), in relation to special pleas of set-off.

Subsequently the bill was taken up, and the question on agreeing to the amendment proposed by the committee for courts of justice being put, was determined in the affirmative.

The bill as amended was then read the third time and passed with its title.

Ordered, That the clerk inform the House of Delegates thereof and request their concurrence in the amendment.

He, from the same committee, reported without an amendment,

No. 249, Senate bill providing for the payment of the costs and charges of criminal proceedings.

He, from the same committee, reported with the recommendation that the Senate agree to the amendments proposed by the House of Delegates thereto,

No. 138, Senate bill to amend and re-enact section 1, chapter 125, Code of Virginia (1860), as to maintenance of illegitimate children.

Subsequently the bill was taken up, and the question being on agreeing to the amendments proposed by the House of Delegates, on motion of Mr. Fitzpatrick, the bill was laid on the table.

He, from the same committee, reported with a substitute therefor,

No. 200, Senate bill to amend and re-enact section 39 of chapter 184

of the Code of 1860, as amended, concerning allowance of certain officers.

He, from the same committee, reported without amendment,

No. 128, Senate bill to amend and re-enact section 4 of chapter 169 of the Code of Virginia (edition of 1860), in regard to writs of mandamus, prohibition and certiorari.

And he, from the same committee, reported without amendment,

No. 255, Senate bill to amend and re-enact section 17, chapter 151 of the Code, in relation to proceedings where there is a garnishee.

Mr. Taylor of Loudoun, from the committee on general laws, reported with amendments,

No. 136, House bill entitled an act to authorize the county court of Norfolk county to appoint commissioners to divide the roads of the various townships in said county into convenient road districts, and to contract, annually, for keeping in repair the public roads in said county.

Subsequently the bill was taken up, and the amendments proposed by the committee on general laws were agreed to.

The bill as amended was read the third time and passed with its title.

On motion of Mr. Greene, the vote by which the bill was passed was reconsidered; and, on his further motion, the vote ordering the bill to its third reading was reconsidered; and, on motion of Mr. Rue, the bill was laid on the table.

Subsequently, on motion of Mr. Rue, the said bill was taken up and recommitted to the committee on general laws.

Mr. Taylor of Norfolk city, from the committee on roads and internal navigation, reported with a substitute therefor,

No. 251, Senate bill to amend the charter of the Atlantic, Chesapeake and Ohio Transportation and Towing Company.

And he, from the same committee, reported without amendment,

No. 155, Senate bill to authorize the city of Richmond to contribute to the building of a railroad from Keysville to Clarksville.

Mr. Anderson of Rockbridge, from the committee on public institutions, reported without amendment,

No. 175, House bill entitled an act to provide for schools in certain localities.

Subsequently the bill was taken up—when

Mr. Fitzpatrick offered a substitute therefor.

A motion was made by Mr. Nowlin to amend the said substitute by inserting after the word "schools," in the 6th line of the 2nd section, the words "by reason of the fact that there is no public school within two miles of his, her or their residence or residences, and no mountain or river intervenes;" which was accepted by Mr. Fitzpatrick.

A motion was made by Mr. Anderson of Rockbridge to amend the substitute by adding at end of 2nd section the words "no aid shall be extended under this section by the school trustees of the township to any school until the support of the public school established in such township under the general law of the State shall have been provided for, for five months."

On this proposition Mr. Johnson demanded the pending question,

which was ordered; and being put on agreeing to the said amendment, was determined in the negative.

The question recurring on the adoption of the substitute, Mr. Johnson demanded the pending question, which was ordered; and being put, was determined in the affirmative.

The bill as amended was then read the third time and passed with its title.

Ordered, That the clerk inform the House of Delegates thereof and request their concurrence in said amendment by way of substitute for the said bill.

He, from the same committee, reported with amendments,

No. 123, House bill entitled an act to authorize the County School Board of Elizabeth City county to borrow money for the purpose of erecting a high school in the town of Hampton.

He, from the same committee, reported without amendment,

No. 293, Senate bill authorizing the Board of Education to fund the bonds of Virginia belonging to the Literary Fund.

And he, from the same committee, presented the following resolution, which was agreed to:

Resolved, That the Superintendent of Public Instruction be requested to inform the Senate what is the present financial condition of the public free school system of the State, and whether any necessity exists for special action by this General Assembly; which was subsequently taken up and agreed to.

Mr. Lackland, by leave, presented

No. 294, A bill to incorporate the Farmers and Mechanics Benevolent Fire Insurance Association of the counties of Roanoke and Botetourt; which, on his motion, was read the first, and ordered to be read a second time, and referred to the committee on general laws.

And, in connection therewith, he presented

The petition of citizens of Roanoke and Botetourt, praying for the incorporation of a benevolent fire insurance association; which, on his motion, was referred to the same committee.

Mr. Quesenberry offered the following preamble and resolution, which were agreed:

Whereas the constantly accumulating weight of the books and other contents of the library has already caused the floor of the room to settle some inches; therefore

Resolved, That the committee on library inquire into the necessity for placing additional supports under the floor of the library room, and report by bill or otherwise.

Joint resolution fixing a limit to the introduction of new business in the General Assembly during the remainder of the session, was taken up, on motion of Mr. Roller; and, on his further motion, amended by striking out the words "Monday, the 10th," and inserting in lieu thereof the words "Saturday, the 15th."

The resolution, as amended, was agreed to—aye 14, noes 8.

On motion of Mr. Taylor of Loudoun, the vote was recorded as follows:

Ayes—Messrs. Anderson of Pittsylvania, Anderson of Rockbridge, Cochran, Graham, Greene, Johnson, Nowlin, Nutting, Patterson, Robinson, Roller, Taylor of Loudoun, Taylor of Norfolk city, and Wynne—14.

Noes—Messrs. Greever, Herndon, Hundley, Lackland, Martin, Norton, Quesenberry, and Ward—8.

Mr. Nowlin moved to reconsider the vote by which the resolution was agreed to; and the question being put thereon, was determined in the affirmative—ayes 15, noes 7.

On motion of Mr. Roller, the vote was recorded as follows:

Ayes—Messrs. Cochran, French, Greever, Herndon, Lackland, Martin, Norton, Nowlin, Quesenberry, Robinson, Smith, Taylor of Norfolk city, Thomas, Ward, and Wynne—15.

Noes—Messrs. Anderson of Rockbridge, Graham, Greene, Johnson, Patterson, Roller, and Taylor of Loudoun—7.

The question recurring on agreeing to the resolution, on motion of Mr. Taylor of Loudoun, the same was laid on the table.

Mr. Thomas, by leave, presented

No. 295, A bill to amend and re-enact section 3, chapter 174 of Code, in reference to removal of causes in one court to another; which, on his motion, was read the first, and ordered to be read a second time, and referred to the committee for courts of justice.

No. 269, A bill to amend and re-enact section 14 of chapter 177 of the Code of 1860, in relation to interest, being the order of the day, was taken up, on motion of Mr. Thomas; and, on his further motion, amended, by striking out, in the 15th, 16th, and 17th lines, the words "it shall not be lawful for the jury or court by whom the suit may be tried to allow," and inserting in lieu thereof "it shall be lawful for the court or jury by whom the suit may be tried to remit the."

The bill as amended was ordered to be engrossed and read a third time.

The President announced the committee of conference on the part of the Senate to consider the disagreement between the two Houses in reference to House bill, No. 159, in relation to the interest on money or other thing, as follows:

Messrs. Herndon, Ward, Taylor of Norfolk city, Penn, and Cochran.

No. 234, Senate bill to incorporate the Farmers Bank of Lynchburg, Virginia, was taken up, read the third time and passed with its title.

Ordered, That the clerk inform the House of Delegates thereof and request their concurrence therein.

Mr. Ward offered the following joint resolution, which lies over under the rules:

Resolved (the House of Delegates concurring), That the Superintendent of Public Printing have printed immediately one thousand copies of the act of the General Assembly entitled an act to amend and re-enact an act entitled an act providing for the re-assessment of lands in the Commonwealth, passed February 1st, 1872, so as to enable those counties in the State which failed to avail themselves of the provisions of said act to do so; and that he forward ten copies of the same to the county court clerk of each county of the State entitled to the benefits thereof,

for distribution among the supervisors of said counties, as soon as practicable.

On motion of Mr. Ward, the rule requiring the joint resolution to lie over at least one day was suspended; and the question on agreeing to the resolution being put, was determined in the affirmative.

On motion of Mr. Ward, it was

Ordered, That he inform the House of Delegates thereof and request their concurrence in the joint resolution.

No. 90, Senate bill to establish the seals of the Commonwealth, was taken up, read the third time and passed.

The title of the bill was amended and agreed to as follows:

A bill to establish the seals and flag of the Commonwealth.

Ordered, That the clerk inform the House of Delegates of the passage of the bill and request their concurrence therein.

No. 262, Senate bill to amend and re-enact section 6 of an act to incorporate the West Point and Hanover Junction Railroad Company, approved July 8th, 1870, was taken up, read the third time and passed.

On motion of Mr. Roller, the vote by which the bill was passed was reconsidered; and, on his further motion, the bill was laid on the table.

No. 254, Senate bill to amend and re-enact certain sections of an act approved _____ day of _____, 1873, entitled an act to incorporate the Richmond Building and Improvement Company, was taken up, read the third time and passed.

The title was amended and agreed to as follows:

"A bill to amend sections 6, 10, and 11 of an act approved the 5th day of February, 1873, entitled an act to incorporate the Richmond Building and Improvement Company, and to repeal the 5th section of said act."

Ordered, That the clerk inform the House of Delegates of the passage of the bill and request their concurrence therein.

No. 264, Senate bill to repeal an act approved July 11th, 1870, entitled an act to authorize the Governor to exchange the arms of the State for Roberts' breech-loading guns, was taken up, read the third time and passed with its title.

Ordered, That the clerk inform the House of Delegates thereof and request their concurrence therein.

No. 101, House bill entitled an act to amend and re-enact the 7th section of an act approved April 2d, 1870, to provide for dividing the several counties of this State into townships, was taken up, on motion of Mr. Fitzpatrick, and, on his further motion, amended, and as amended read the third time and passed with its title.

Ordered, That the clerk inform the House of Delegates thereof and request their concurrence in the amendments.

No. 250, Senate bill to amend and re-enact section 38 of chapter 57 of the Code of 1860, as to the pleading of usury by chartered companies, was taken up, read the third time and passed with its title.

Ordered, That the clerk inform the House of Delegates thereof and request their concurrence therein.

No. 260, Senate bill to amend and re-enact an act passed December

19th, 1860, entitled an act authorizing the Southwestern Virginia Mining, Smelting and Transportation Company to construct a railroad from King's Salt Works to a point on the Virginia and Tennessee Railroad at or near Dublin, was taken up, read the third time, and, on motion of Mr. Greever, laid on the table.

No. 268, Senate bill directing the Auditor of Public Accounts to receive from the sureties of Robert F. Vaughan, late sheriff of Goochland county, coupon bonds of the State in payment of their liabilities as such sureties, was taken up, read the third time, and, on motion of Mr. Johnson, laid on the table.

No. 271, Senate bill to authorize the Board of Supervisors of Bath county to borrow money to defray the cost of erecting a bridge over the Cowpasture river, was taken up, read the third time and passed with its title.

Ordered, That the clerk inform the House of Delegates thereof and request their concurrence therein.

No. 277, Senate bill to establish and incorporate the Tazewell County Agricultural and Mechanical Society, and to appoint a police for the same, was taken up, read the third time and passed with its title.

Ordered, That the clerk inform the House of Delegates thereof and request their concurrence therein.

No. 278, Senate bill to authorize the Board of Directors of the Western Lunatic Asylum to convey a certain lot or parcel of land to William B. Kayser of the city of Staunton, was taken up, read the third time and passed—ayes 22, noes none.

The vote was recorded as follows:

Ayes—Messrs. Anderson of Pittsylvania, Cochran, Connally, Fitzpatrick, French, Graham, Greene, Greever, Herndon, Johnson, Lathrop, Martin, Norton, Nowlin, Patterson, Quesenberry, Robinson, Roller, Rue, Taylor of Loudoun, Thomas, and Ward—22.

Noes—none.

The title was then agreed to.

Ordered, That the clerk inform the House of Delegates of the passage of the bill and request their concurrence therein.

No. 272, Senate bill to amend and re-enact section 1 of chapter 21 of the Code of 1860, concerning the Superintendent of Public Buildings, was taken up, read the third time and passed with its title.

Ordered, That the clerk inform the House of Delegates thereof and request their concurrence therein.

No. 58, Senate bill to incorporate the Rockingham Bank, was taken up, read the third time and passed with its title.

Ordered, That the clerk inform the House of Delegates thereof and request their concurrence therein.

No. 275, Senate bill to authorize county courts to declare water courses lawful fences, was taken up, read the third time and passed with its title.

Ordered, That the clerk inform the House of Delegates thereof and request their concurrence therein.

Mr. Martin, by leave, presented

No. 296, A bill to authorize the trustees of the town of Manchester to issue bonds for improvements in said town; which, on his motion, was read the first, and ordered to be read a second time, and referred to the committee on general laws.

Mr. Nowlin, by leave, presented

No. 297, A bill to amend and re-enact section 35 of chapter 184 of Code of 1860, so as to pay sheriffs, sergeants, and collectors for serving processes for the Commonwealth; which, on his motion, was read the first, and ordered to be read a second time, and referred to the committee for courts of justice.

On motion of Mr. Hundley, the joint resolution heretofore offered by him fixing a time for the election of county judges, was taken up, and, on his motion, amended by striking out the word "thirteenth," and inserting in lieu thereof the word "twentieth."

The resolution as amended was then agreed to.

On motion of Mr. Hundley, it was

Ordered, That he inform the House of Delegates thereof and request their concurrence therein.

No. 279, Senate bill to authorize the Common Council of the town of Danville to borrow money, was taken up, on motion of Mr. Anderson of Pittsylvania, read the second time, and ordered to be engrossed and read a third time.

No. 284, Senate bill to establish a high school in the town of Jeffersonville, and to constitute said town and the country for three miles around the same a sub-school district, and for other purposes, was taken up, on motion of Mr. French, read the second time, and ordered to be engrossed and read a third time.

A motion was made by Mr. French to take up

No. 291, Senate bill for the relief of William P. Boyle, Elias Harman, and Franklin G. Helvey—pending the consideration of the said motion,

On motion of Mr. Thomas, the Senate adjourned until to-morrow, twelve o'clock.

FRIDAY, MARCH 14, 1873.

The President laid before the Senate a communication from the Superintendent of Public Instruction in response to a resolution of the Senate calling for information as to the financial condition of the public free school system, &c.; which, on motion of Mr. Greene, was ordered to be printed, and referred to the committee on public institutions. (Doc. No. 17.)

On motion of Mr. Quesenberry, Mr. Pridemore was granted an indefinite leave of absence, and Mr. Cochran was granted a leave of absence for three days.

On motion of Mr. Hundley, Mr. Wynne was granted a leave of absence for two days.

Mr. Fitzpatrick, from the committee on general laws, reported with amendments,

No. 136, House bill entitled an act to authorize the county court of Norfolk county to appoint commissioners to divide the roads of the various townships in said county into convenient road districts, and to contract annually for keeping in repair the public roads in said county.

He, from the same committee, reported without amendment.

No. 296, Senate bill to authorize the trustees of the town of Manchester to issue bonds for improvements in said town.

He, from the same committee, reported without amendment,

No. 273, A bill supplemental to the act entitled an act to require manufacturers of fertilizers to label their packages with a correct analysis of the same, in force March 29th, 1871, so as to more effectually prevent the sale of spurious and adulterated fertilizers.

He, from the same committee, reported without amendment,

No. 294, Senate bill to incorporate the Farmers and Mechanics Benevolent Fire Insurance Association of the counties of Roanoke and Botetourt.

And he, from the same committee, reported with an amendment,

No. 290, Senate bill to authorize the corporate authorities of the town of Liberty to borrow money.

Mr. Hundley, by leave, presented

No. 297, A bill to amend an act entitled an act to amend an act passed the 29th of May, 1852, entitled an act to prescribe the mode of electing trustees for the town of Farmville, in the county of Prince Edward, and vesting them with corporate privileges, approved July 11th, 1870, to provide for the election of certain officers by the town council; which, on his motion, was read the first, and ordered to be read a second time, and referred to the committee on general laws.

Mr. Greene, by leave, presented

No. 298, A bill amending and re-enacting section 10, chapter 121, Code of Virginia, edition 1860, as to record of deeds and other writings; which, on his motion, was read the first, and ordered to be read a second time, and referred to the committee for courts of justice.

Mr. Martin, by leave, presented

No. 299, A bill to authorize Chesterfield Land and Improvement Company to build wharves; which, on his motion, was read the first, and ordered to be read a second time, and referred to the committee on general laws.

Mr. Rixey presented a communication from R. C. Ambler of Fauquier, asking the passage of a law for the better protection of the baggage of railroad passengers, &c.; which, on his motion, was referred to the committee on roads and internal navigation.

Mr. Terry, by leave, presented

No. 300, A bill to incorporate the Richmond and Fair Oaks Turnpike Company, in the county of Henrico; which, on his motion, was read the first, and ordered to be read a second time, and referred to the committee on roads and internal navigation.

No. 37, House bill entitled an act to amend and re-enact section 63

of chapter 385 of Acts of 1871-72, as to collection of tax on coupons, was taken up, on motion of Mr. Thomas, and the pending question being on agreeing to the amendment heretofore offered by Mr. Thomas, the same was (by general consent) withdrawn by Mr. Thomas.

On motion of Mr. Fitzpatrick, the vote by which the amendment heretofore offered by Mr. Roller was agreed to, was reconsidered—when

Mr. Roller (by general consent) withdrew the same.

On motion of Mr. Fitzpatrick, the vote by which the amendment heretofore offered by him striking out the word "April," and inserting in lieu thereof the word "February," was agreed to, was reconsidered—when

Mr. Fitzpatrick (by general consent) withdrew the same.

The bill was then read the third time, and the question on the passage thereof being put, was determined in the affirmative—ayes 23, noes 3.

On motion of Mr. French, the vote was recorded as follows:

Ayes—Messrs. Anderson of Pittsylvania, Anderson of Rockbridge, Boykin, Cochran, Fitzpatrick, Greene, Greever, Herndon, Hundley, Johnson, Kirkpatrick, Lackland, Lewis, Meem, Nowlin, Penn, Perrin, Rixey, Taylor of Loudoun, Taylor of Norfolk city, Terry, Thomas, and Ward—23.

Noes—Messrs. French, Robinson, and Smith—3.

On motion of Mr. Thomas, it was

Ordered, That he inform the House of Delegates thereof and request their concurrence therein.

No. 291, Senate bill for the relief of William P. Boyle, Elias Harman, and Franklin G. Helvey, being the unfinished business of yesterday, was taken up, read the second, and ordered to be engrossed and read a third time.

Joint resolutions proposing amendments to sections 1, 2, 3, and 4 of the 7th article of the Constitution of this Commonwealth, in relation to county organization, for publishing said amendment, and certifying the same to the next General Assembly, was taken up, on motion of Mr. Kirkpatrick; and the question being on agreeing to the amendment offered by Mr. Anderson of Rockbridge when the bill was last under consideration,

Mr. Rue moved to amend the same by striking out the word "magisterial," and inserting in lieu thereof the word "plantation;" and the question being put thereon, was determined in the negative.

The question recurring on agreeing to the amendment proposed by Mr. Anderson of Rockbridge, and being put, was determined in the affirmative.

Mr. Kirkpatrick offered the amendments heretofore submitted by him, which were read as follows:

AMENDMENTS

Proposed by MR. KIRKPATRICK to report of joint committee on constitutional amendments.

Strike out sections 2, 3, and 6 of article 5 of the Constitution, which are in these words:

“§2. The House of Delegates shall be elected biennially by the voters of the several cities and counties on the Tuesday succeeding the first Monday in November, and shall be distributed and apportioned as follows:

- District No. 1. Accomac shall have two delegates.
- 2. Albemarle shall have three delegates.
- 3. Amelia shall have one delegate.
- 4. Alexandria shall have two delegates.
- 5. Amherst shall have two delegates.
- 6. Appomattox shall have one delegate.
- 7. Alleghany and Craig shall have one delegate.
- 8. Augusta shall have three delegates.
- 9. Bath and Highland shall have one delegate.
- 10. Bedford shall have three delegates.
- 11. Bland shall have one delegate.
- 12. Botetourt shall have one delegate.
- 13. Brunswick shall have one delegate.
- 14. Buckingham shall have two delegates.
- 15. Buchanan and Wise shall have one delegate.
- 16. Campbell shall have three delegates.
- 17. Caroline shall have two delegates.
- 18. Carroll shall have one delegate.
- 19. Charles City shall have one delegate.
- 20. Charlotte shall have two delegates.
- 21. Chesterfield and Powhatan shall have three delegates.
- 22. Cumberland shall have one delegate.
- 23. Culpeper shall have one delegate.
- 24. Clarke shall have one delegate.
- 25. Dinwiddie shall have one delegate.
- 26. Elizabeth City and Warwick shall have two delegates.
- 27. Essex shall have one delegate.
- 28. Fauquier shall have two delegates.
- 29. Fairfax shall have one delegate.
- 30. Floyd shall have one delegate.
- 31. Franklin shall have two delegates.
- 32. Fluvanna shall have one delegate.
- 33. Frederick shall have one delegate.
- 34. Giles shall have one delegate.
- 35. Goochland shall have one delegate.

- District No. 36. Greenesville shall have one delegate.
37. Greene shall have one delegate.
38. Gloucester shall have one delegate.
39. Grayson shall have one delegate.
40. Halifax shall have three delegates.
41. Hanover shall have two delegates.
42. Henrico and Richmond city shall have eight delegates.
43. Henry shall have one delegate.
44. Isle of Wight shall have one delegate.
45. James City and city of Williamsburg shall have one delegate.
46. King & Queen shall have one delegate.
47. King William shall have one delegate.
48. King George shall have one delegate.
49. Lancaster shall have one delegate.
50. Lee shall have one delegate.
51. Louisa shall have two delegates.
52. Lunenburg shall have one delegate.
53. Loudoun shall have two delegates.
54. Mathews shall have one delegate.
55. Madison shall have one delegate.
56. Mecklenburg shall have two delegates.
57. Middlesex shall have one delegate.
58. Montgomery shall have one delegate.
59. Nansemond shall have one delegate.
60. New Kent shall have one delegate.
61. Norfolk county and the city of Portsmouth shall have three delegates.
62. Norfolk city shall have two delegates.
63. Nelson shall have one delegate.
64. Nottoway shall have one delegate.
65. Northampton shall have one delegate.
66. Northumberland shall have one delegate.
67. Orange shall have one delegate.
68. Patrick shall have one delegate.
69. Page shall have one delegate.
70. Pittsylvania shall have four delegates.
71. Petersburg city shall have two delegates.
72. Prince Edward shall have one delegate.
73. Prince George shall have one delegate.
74. Prince William shall have one delegate.
75. Pulaski shall have one delegate.
76. Princess Anne shall have one delegate.
77. Rappahannock shall have one delegate.
78. Richmond county shall have one delegate.
79. Rockingham shall have two delegates.
80. Rockbridge shall have two delegates.
81. Roanoke shall have one delegate.
82. Russell shall have one delegate.

- District No. 83. Shenandoah shall have one delegate.
84. Smyth shall have one delegate.
85. Southampton shall have one delegate.
86. Scott shall have one delegate.
87. Surry shall have one delegate.
88. Stafford shall have one delegate.
89. Sussex shall have one delegate.
90. Spotsylvania shall have one delegate.
91. Tazewell shall have one delegate.
92. Washington shall have two delegates.
93. Warren shall have one delegate.
94. Westmoreland shall have one delegate.
95. Wythe shall have one delegate.
96. York shall have one delegate.

“§ 3. The Senators shall be elected for the term of four years, for the election of whom the counties, cities, and towns shall be divided into not more than forty districts. Each county, city, and town of the respective districts, at the time of the first election of its delegate or delegates under this Constitution, shall vote for one or more Senators. The Senators first elected under this Constitution in districts bearing odd numbers shall vacate their offices at the end of two years, and those elected in districts bearing even numbers at the end of four years; and vacancies occurring by expiration of term shall be filled by the election of Senators for the full term.

The following shall constitute the senatorial districts:

Alexandria, Fairfax, and Loudoun shall form the first district, and be entitled to two Senators.

Fauquier, Rappahannock, and Prince William shall form the second district, and be entitled to one Senator.

Orange, Culpeper, and Madison shall form the third district, and be entitled to one Senator.

Stafford, Spotsylvania, and Louisa shall form the fourth district, and be entitled to one Senator.

Fluvanna, Goochland, and Powhatan shall form the fifth district, and be entitled to one Senator.

Albemarle and Greene shall form the sixth district, and be entitled to one Senator.

Buckingham and Appomattox shall form the seventh district, and be entitled to one Senator.

Nelson and Amherst shall form the eighth district, and be entitled to one Senator.

Franklin and Henry shall form the ninth district, and be entitled to one Senator.

Pittsylvania shall form the tenth district, and be entitled to one Senator.

Campbell shall form the eleventh district, and be entitled to one Senator.

Bedford shall form the twelfth district, and be entitled to one Senator.

Halifax shall form the thirteenth district, and be entitled to one Senator.

Charlotte and Prince Edward shall form the fourteenth district, and be entitled to one Senator.

Mecklenburg shall form the fifteenth disirct, and be entitled to one Senator.

King George, Westmoreland, Richmond, Northumberland, and Lancaster shall form the sixteenth district, and be entitled to one Senator.

Caroline, Essex, and King William shall form the seventeenth district, and be entitled to one Senator.

Gloucester, Middlesex, Mathews, and King & Queen shall form the eighteenth district, and be entitled to one Senator.

Richmond city and Henrico shall form the nineteenth district, and be entitled to three Senators.

Norfolk city and Princess Anne county shall form the twentieth district, and be entitled to one Senator.

Norfolk county and the city of Portsmouth shall form the twenty-first district, and be entitled to one Senator.

Nansemond, Southampton, and Isle of Wight shall form the twenty-second district, and be entitled to one Senator.

Greenesville, Dinwiddie, and Sussex shall form the twenty-third district, and be entitled to one Senator.

Surry, York, Warwick, and Elizabeth City shall form the twenty-fourth district, and be entitled to one Senator

Brunswick and Lunenburg shall form the twenty-fifth district, and be entitled to one Senator.

Chesterfield and Prince George shall form the twenty-sixth district, and be entitled to one Senator.

The city of Petersburg shall form the twenty-seventh district, and be entitled to one Senator.

Accomac and Northampton shall form the twenty-eighth district, and be entitled to one Senator.

Hanover, New Kent, Charles City, and James City shall form the twenty-ninth district, and be entitled to one Senator.

Cumberland, Amelia, and Nottoway shall form the thirtieth district, and be entitled to one Senator.

Frederick, Clarke, and Shenandoah shall form the thirty-first district, and be entitled to one Senator.

Page, Warren, and Rockingham shall form the thirty-second district, and be entitled to one Senator.

Highland and Augusta shall form the thirty-third district, and be entitled to one Senator.

Rockbridge, Bath, and Alleghany shall form the thirty-fourth district, and be entitled to one Senator.

Botetourt, Roanoke, Craig, and Giles shall form the thrity-fifth district, and be entitled to one Senator.

Montgomery, Floyd, and Patrick shall form the thirty-sixth district, and be entitled to one Senator.

Grayson, Carroll, and Wythe shall form the thirty-seventh district, and be entitled to one Senator.

Pulaski, Bland, Tazewell, and Russell shall form the thirty-eighth district, and be entitled to one Senator.

Lee, Scott, Wise, and Buchanan shall form the thirty-ninth district, and be entitled to one Senator.

Washington and Smyth shall form the fortieth district, and be entitled to one Senator.

“§ 6. The General Assembly shall meet annually, and not oftener, unless convened by the Governor in the manner prescribed in this Constitution. No session of the General Assembly, after the first under this Constitution, shall continue longer than ninety days, without the concurrence of three-fifths of the members elected to each House; in which case the session may be extended for a further period, not exceeding thirty days. Neither House, during the session of the General Assembly, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two Houses shall be sitting. A majority of the members elected to each House shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and shall have power to compel the attendance of absent members in such manner and under such penalty as each House may prescribe.”

And in lieu thereof insert the following:

“§ 2. The House of Delegates shall consist of ninety members, to be chosen biennially by the voters of the several cities, towns and counties, on the Tuesday succeeding the first Monday in November, and shall be distributed and apportioned among the counties, cities, and towns as near as practicable, according to their population, avoiding the creation of districts except where necessary to produce equality—such distribution and apportionment to be made by the next General Assembly at its session next after the adoption of this clause as part of the Constitution.

“§ 3. The Senate shall consist of forty members, to be chosen for the term of four years by the voters of the several counties, cities, and towns formed for that purpose into districts, not more than forty nor less than thirty-six in number, making the representation according to population as near as may be. Said districts shall be constituted by the General Assembly at its session next after the adoption of this clause, and it shall so provide that the Senators first elected under this provision for districts bearing odd numbers shall vacate their places at the end of two years, and those elected in districts bearing even numbers shall hold for the full term; and vacancies occurring by expiration of term shall be filled by the election of Senators for the full term.

“§ 6. The General Assembly shall meet once every two years, and not oftener, unless convened by the Governor in the manner prescribed in this Constitution. No session of the General Assembly shall continue longer than ninety days, without the concurrence of three-fifths of the members elected to each House; in which case the session may be extended for a further period not exceeding thirty days. Neither House, during the session of the General Assembly, shall, without the consent of the other, adjourn for more than three days, nor to any other place

than that in which the two Houses shall be sitting. A majority of the members elected to each house shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and shall have power to compel the attendance of absent members in such manner and under such penalty as each House may provide."

The question being on agreeing to the amendments—and pending which

Mr. Taylor of Loudoun moved to lay the resolutions on the table and make them the order of the day for Wednesday next at one o'clock; and the question being put thereon, it appeared on division that no quorum had voted—thereupon

Mr. Taylor of Loudoun moved to adjourn; and the question being put thereon, was determined in the negative—ayes 4, noes 18.

On motion of Mr. Anderson of Rockbridge, the vote was recorded as follows:

Ayes—Messrs. Greene, Meem, Rixey, and Taylor of Loudoun—4.

Noes—Messrs. Anderson of Pittsylvania, Anderson of Rockbridge, Boykin, French, Greever, Herndon, Hundley, Johnson, Kirkpatrick, Lackland, Martin, Patterson, Robinson, Smith, Taylor of Norfolk city, Terry, Thomas, and Ward—18.

The question recurring on agreeing to the motion to lay the resolutions on the table and make them the order of the day for Wednesday next at one o'clock, and being put, it again appeared that no quorum had voted—when

Mr. Thomas moved a call of the Senate.

Mr. Greene moved to adjourn; and the question being put thereon, was determined in the negative—ayes 7, noes 20.

On motion of Mr. Thomas, the vote was recorded as follows:

Ayes—Messrs. French, Graham, Greene, Herndon, Meem, Rixey, and Rue—7.

Noes—Messrs. Anderson of Pittsylvania, Anderson of Rockbridge, Boykin, Cochran, Fitzpatrick, Greever, Hundley, Johnson, Kirkpatrick, Lackland, Lewis, Martin, Patterson, Robinson, Smith, Taylor of Loudoun, Taylor of Norfolk city, Terry, Thomas, and Ward—20.

The question recurring on the motion for a call of the Senate, Mr. Thomas (by general consent) withdrew the same.

The question recurring on the motion to lay the resolutions on the table and make them the order of the day for Wednesday next at 1 o'clock,

Mr. Kirkpatrick moved to amend the same by striking out the words "Wednesday next at 1 o'clock," and inserting in lieu thereof the words "Tuesday next at 12 $\frac{1}{2}$ o'clock;" which was accepted by Mr. Taylor of Loudoun, and the motion as modified was then agreed to.

A message was received from the House of Delegates by Mr. Coghill, who informed the Senate that that House had passed with amendments Senate bill to regulate and define the jurisdiction of the county and circuit courts, to prescribe the number of terms of the circuit courts, and to fix the pay of county judges, No. 211.

The bill was taken up, on motion of Mr. Fitzpatrick, and the question being on agreeing to the first amendment proposed by the House of Delegates,

Mr. Robinson demanded the pending question, which was ordered; and being put, was determined in the affirmative.

The question being on agreeing to the second amendment proposed by the House of Delegates,

Mr. Greene demanded the pending question, which was ordered; and being put, was determined in the affirmative.

The question being on agreeing to the third amendment proposed by the House of Delegates, which is in these words:

Fourth section, 4th and 5th lines, strike out the words "and for indictments, informations, and presentments for misdemeanors in which the party accused may demand a trial by jury,"

Mr. Greene demanded the pending question, which was ordered; and being put, was determined in the affirmative—ayes 22, noes 6.

On motion of Mr. Nowlin, the vote was recorded as follows:

Ayes—Messrs. Cochran, Fitzpatrick, French, Greene, Greever, Herndon, Hundley, Johnson, Kirkpatrick, Lackland, Martin, Meem, Patterson, Penn, Rixey, Robinson, Rue, Smith, Stevens, Terry, Thomas, and Ward—22.

Noes—Messrs. Anderson of Pittsylvania, Boykin, Lewis, Nowlin, Roller, and Taylor of Loudoun—6.

The 4th, 5th, and 6th amendments of the House of Delegates were then agreed to.

The question being on agreeing to the 7th amendment proposed by the House of Delegates, which is in these words:

7th section, 1st line, strike out from the word "receive" to the word "be," at the end of the 3d line, and insert "after the first day of January, 1874, a salary of two hundred dollars, and an additional compensation of twenty dollars for every thousand inhabitants over ten thousand, to be determined by reference to the census of 1870, and afterwards to the last preceding official enumeration of the inhabitants of this State, and in such computation the fraction of a thousand population shall not be counted; which shall be a charge on the county and,"

Mr. Fitzpatrick demanded the pending question, which was ordered; and being put, was determined in the affirmative—ayes 20, noes 8.

On motion of Mr. Nowlin, the vote was recorded as follows:

Ayes—Messrs. Anderson of Pittsylvania, Cochran, Fitzpatrick, French, Greene, Greever, Hundley, Johnson, Kirkpatrick, Lackland, Martin, Meem, Patterson, Penn, Rixey, Robinson, Rue, Smith, Stevens, and Thomas—20.

Noes—Messrs. Boykin, Herndon, Lewis, Nowlin, Roller, Taylor of Loudoun, Terry, and Ward—8.

The 8th amendment proposed by the House of Delegates was then agreed to.

The question on agreeing to the 9th amendment proposed by the House of Delegates, which is in these words: Independent section to come in after 9th section, the following: "It shall be the duty of the

county judges elected under the provisions of this act, in the exercise of the duty imposed upon them by the 24th section of chapter 76 of Acts of Assembly of 1869-70, to appoint at least one judge of election, who can read and write, at each election precinct in his county from each political party," being put, was determined in the affirmative—ayes 19, noes 13.

On motion of Mr. Boykin, the vote was recorded as follows:

Ayes—Messrs. Cochran, Fitzpatrick, French, Graham, Greene, Greever, Kirkpatrick, Lackland, Lathrop, Martin, Massey, Patterson, Penn, Rixey, Robinson, Rue, Smith, Stevens, and Thomas—19.

Noes—Messrs. Anderson of Pittsylvania, Anderson of Rockbridge, Boykin, Herndon, Johnson, Lewis, Meem, Nowlin, Roller, Taylor of Loudoun, Taylor of Norfolk city, Terry, and Ward—13.

On motion of Mr. Patterson, it was

Ordered, That he inform the House of Delegates thereof.

No. 200, Senate bill to amend and re-enact section 39 of chapter 184 of the Code of 1860, as amended, concerning allowance of certain officers, was taken up, read the second time, and the question being on agreeing to the substitute proposed by the committee for courts of justice,

Mr. Roller moved to amend the same by striking out in the clause providing for the allowance to the clerk, sheriff or sergeant the words "one hundred and fifty dollars," and inserting in lieu thereof the words "one hundred dollars;" and the question being put thereon, was determined in the negative—ayes 10, noes 12.

On motion of Mr. Roller, the vote was recorded as follows:

Ayes—Messrs. Fitzpatrick, French, Greene, Kirkpatrick, Lackland, Martin, Meem, Patterson, Roller, and Smith—10.

Noes—Messrs. Anderson of Pittsylvania, Anderson of Rockbridge, Greene, Herndon, Johnson, Nowlin, Penn, Rixey, Rue, Taylor of Loudoun, Taylor of Norfolk city, and Thomas—12.

The question recurring on the adoption of the substitute, Mr. Nowlin demanded the pending question, which was ordered; and being put, was determined in the affirmative; and the bill as amended was ordered to be engrossed and read a third time.

No. 98, Senate bill to amend and re-enact chapter 122 of the Acts of 1871-72, in relation to the relief of the sureties of William Sample, late sheriff of Russell county, was taken up, on motion of Mr. Smith, and on his motion the vote ordering the bill to its engrossment and third reading was reconsidered and the bill amended.

The bill as amended was then ordered to be engrossed and read a third time.

Mr. Rixey submitted joint resolutions proposing amendments to section 8th of the 8th article of the Constitution of this Commonwealth, in relation to education, for publishing said amendments, and certifying the same to the next General Assembly; which, on his motion, was read the first and ordered to be read a second time. They are as follows:

JOINT RESOLUTIONS

Proposing amendments to section 8 of the 8th article of the Constitution of this Commonwealth, in relation to education, for publishing said amendments, and certifying the same to the next General Assembly.

1. Resolved by the Senate and House of Delegates (a majority of the members elected to each of the two houses agreeing thereto), That the following amendments, and the schedule annexed thereto, be and they are hereby proposed to the Constitution of Virginia, and are hereby referred to the General Assembly, to be chosen at the next general election of Senators and members of the House of Delegates, for its concurrence, in conformity with article 12 of said Constitution, viz:

Strike from the Constitution of Virginia the 8th section of the 8th article, in reference to education, which is in these words:

"The General Assembly shall apply the annual interest on the Literary Fund, the capitation tax provided for by this Constitution for public free school purposes, and an annual tax upon the property of the State of not less than one mill nor more than five mills on the dollar, for the equal benefit of all the people of the State, the number of children between the ages of five and twenty-one years in each public free school district being the basis of such division. Provision shall be made to supply children attending the public free schools with necessary text-books in cases where the parent or guardian is unable, by reason of poverty, to furnish them. Each county and public free school district may raise additional sums, by a tax on property for the support of public free schools. All unexpended sums of any one year in any public free school district shall go into the general school fund for redivision the next year: provided that any tax authorized by this section to be raised by counties or school districts, shall not exceed five mills on a dollar in any one year, and shall not be subject to redivision, as hereinbefore provided in this section."

And insert in lieu thereof the following:

"Sec. 8. The General Assembly shall apply the annual interest on the Literary Fund, the capitation tax provided for by this Constitution for public free school purposes, and an annual tax upon the property of the State of not less than one mill nor more than five mills on the dollar, for the equal benefit of all the people of the State, and the fund thus arising shall be distributed upon a basis just and equitable to all the counties and cities of the State. Provision shall be made to supply children attending the public free schools with necessary text-books in cases where the parent or guardian is unable, by reason of poverty, to furnish them. Each county and public free school district may raise additional sums, by a tax on property for the support of public free schools, not exceeding five mills on the dollar of property in any one year.

"All unexpended sums in any year in any school district shall go into the general school fund for redivision the next year."

Resolved, That the Clerk of the House of Delegates, or the Clerk of the Senate, be authorized and required, or if a vacancy happen in both of said offices, the presiding officer of either House of the General Assembly, be authorized and requested to cause the proposed amendments and these resolutions to be published in some newspaper, published in the city of Richmond, for three months previous to the time of choosing the members of the General Assembly, at the next general election of Senators and members of the House of Delegates.

Resolved, That the Clerk of the Senate and the Clerk of the House of Delegates be required to transmit to the General Assembly, to be chosen at the next general election of Senators and members of the House of Delegates, a certified copy of said amendments and these resolutions, together with a certificate of publication by the publisher of the newspaper in which the proposed amendments shall have been published.

On motion of Mr. Anderson of Pittsylvania, the following bill was taken up:

No. 279, A bill to authorize the Common Council of the town of Danville to borrow money.

The bill was read the third time and passed with its title.

Ordered, That the clerk inform the House of Delegates thereof and request their concurrence therein.

Mr. Taylor of Loudoun submitted the following resolution:

Resolved, That when the Senate adjourns to-day, it adjourn to meet on Monday next at 12 o'clock; and the question being put on agreeing to the same, was determined in the negative, on division—ayes 10, noes 13.

On motion of Mr. Martin, the Senate adjourned until to-morrow, twelve o'clock.

SATURDAY, MARCH 15, 1873.

Mr. Fitzpatrick, from the committee on general laws, reported without amendment,

No. 297, Senate bill to amend an act entitled an act to amend an act passed the 29th of May, 1852, entitled an act to prescribe the mode of electing trustees for the town of Farmville, in the county of Prince Edward, and vesting them with corporate privileges, approved July 11th, 1870, to provide for the election of certain officers by the town council, which was subsequently taken up on motion of Mr. Hundley, read the second, and ordered to be engrossed and read a third time.

And he, from the same committee, reported without amendment,

No. 299, Senate bill to authorize Chesterfield Land and Improvement Company to build wharves; which was subsequently taken up, on motion of Mr. Herndon, read the second, and ordered to be engrossed and read a third time.

Mr. Taylor of Norfolk city, from the committee on roads and internal navigation, reported without amendment,

No. 274, Senate bill to authorize the Board of Supervisors for Craig county to contract for keeping in repair so much of Price's turnpike road as lies in said county; which was subsequently taken up, on motion of Mr. Lackland, read the second, and ordered to be engrossed and read a third time.

And he, from the same committee, reported without amendment,

No. 300, Senate bill to incorporate the Richmond and Fair Oaks Turnpike Company, in the county of Henrico.

Mr. Thomas, from the committee on finance, reported without amendment,

No. 222, Senate bill to amend and re-enact the 2nd and 3rd sections of an act approved March 30th, 1871, entitled an act to provide for the funding and payment of the public debt. Subsequently

Mr. Fitzpatrick made an unsuccessful motion to take up the bill.

Mr. Thomas, by leave, presented

No. 301, A bill in relation to the records of Alexandria county; which, on his motion, was read the first, and ordered to be read a second time.

Mr. Herndon, by leave, presented

No. 302, A bill to extend the time for the completion of its road by the Fredericksburg, Orange and Charlottesville Railroad Company, to provide for constructing a branch and extension of said road, and to prescribe what may be done to complete same in case of forfeiture incurred by said company; which, on his motion, was read the first, and ordered to be read a second time, and referred to the committee on roads and internal navigation.

No. 294, Senate bill to incorporate the Farmers and Mechanics Benevolent Fire Insurance Association of the counties of Roanoke and Botetourt, was taken up, on motion of Mr. Lackland, read the second, and ordered to be engrossed and read a third time.

On motion of Mr. Taylor of Loudoun,

Resolved, That the committee for courts of justice be instructed to enquire into the expediency of amending the law in relation to persons attending as witnesses in criminal prosecutions so as to allow by law a fee to experts upon the certificate of the judge that such fee is reasonable, and, in his judgment, proper.

On motion of Mr. Taylor of Loudoun,

Resolved, That the committee for courts of justice enquire into the expediency of requiring the corporate authority of any city or town in this Commonwealth entitled to a corporation judge to pay the salary of said judge, and to report by bill or otherwise.

No. 252, Senate bill to provide for the inspection of steam boilers for the better protection of life and property against accidents arising from steam-boiler explosions, was taken up, on motion of Mr. Hundley; and the question being on agreeing to the amendments proposed by the committee on general laws,

On motion of Mr. Hundley, the 6th amendment was amended by striking out the words "quarterly on the first days of January, April, July and October," and inserting in lieu thereof the words "semi-annu-

ally on the first days of January and July;" and, on his further motion, the 7th amendment of the committee was amended by striking out the word "quarterly," and inserting in lieu thereof the words "semi-annually on the first days of January and July."

The amendments of the committee as amended were then agreed to.

On motion of Mr. Taylor of Norfolk city, the bill was further amended by striking out, in section 9, all after the word "furnace"—when,

On motion of Mr. Taylor of Loudoun, the bill was laid on the table.

No. 269, Senate bill to amend and re-enact section 14 of chapter 177 of the Code of 1860, in relation to interest, was taken up and read the third time; and the question being on its passage—and pending which

Mr. Taylor of Loudoun demanded a count of the Senate, and the Chair announced that there were 18 Senators present. Whereupon

Mr. French moved that the Senate do now adjourn; and the question being put thereon, was determined in the affirmative—ayes 10, noes 9.

On motion of Mr. Martin, the vote was recorded as follows:

Ayes—Messrs. Anderson of Pittsylvania, Boykin, French, Hundley, Lathrop, Lewis, Patterson, Rue, Taylor of Norfolk city, and Terry—10.

Noes—Messrs. Beazley, Fitzpatrick, Greene, Greever, Johnson, Kirkpatrick, Martin, Smith, and Taylor of Loudoun—9.

The President announced the Senate adjourned until Monday, twelve o'clock.

MONDAY, MARCH 17, 1873.

Mr. Patterson in the chair.

A communication from the House of Delegates, by their clerk, was read as follows:

In House of Delegates, March 15, 1873.

The House of Delegates have agreed to Senate joint resolutions discharging joint committee on reception of the President of the United States, and fixing Thursday, the 20th March, at 1 o'clock, for the election of county judges; and they have passed Senate bills entitled an act to authorize the Board of Public Works to sell the State's interest in the Upper Appomattox Company, No. 216; an act to regulate the working of the roads of Rockbridge and Lee counties, No. 196; an act to enable the trustees of the Massanutton Presbyterian Church near Cross Keys, Rockingham county, Virginia, to receive and hold a bequest under the will of Ann Davidson, deceased, No. 244; an act to authorize the issue of certificates of State debt to the executors of Jacqueline P. Taylor for principal and interest on certain lost coupon bonds, No. 114; an act providing for the preservation of historical papers, No. 34; and an act to repeal the 60th and 61st sections of an act entitled an act imposing taxes for the support of government and free schools, and to pay the interest on the public debt, No. 115.

Mr. Greene, by leave, presented

No. 303, A bill to amend and re-enact section 57 of an act approved

July 11th, 1870, entitled an act to establish and maintain a uniform system of public free schools, as amended by chapter 348 of Acts of Assembly, 1871-72, in relation to school tax by counties and districts; which, on his motion, was read the first, and ordered to be read a second time, and referred to the committee on public institutions.

Mr. Greene, by leave, presented

No. 304, A bill to authorize the qualified voters of Brandon Township, in the county of Prince George, to vote on the question of repealing the fence law so far as applicable to said township; which, on his motion, was read the first, and ordered to be read a second time, and referred to the committee on general laws.

Mr. Holladay, by leave, presented

No. 305, A bill to incorporate the Chesapeake and Albemarle Railway Company; which, on his motion, was read the first, and ordered to be read a second time, and referred to the committee on roads and internal navigation.

No. 301, Senate bill in relation to the records of Alexandria county, was taken up, on motion of Mr. Taylor of Loudoun, read the second, and ordered to be engrossed and read a third time.

Mr. Hundley, by leave, presented

No. 306, A bill to amend and re-enact the 1st, 2nd, 3rd, 4th, and 8th sections of an act entitled an act to amend the charter of the Richmond and Lynchburg Railroad Company, approved July 11th, 1870, so as to change the name of the said company and to extend the time within which it may commence and complete the said railroad; which, on his motion, was read the first, and ordered to be read a second time.

Mr. Penn, by leave, presented

No. 307, A bill to amend and re-enact the act approved March 21st, 1872, to fix time for holding the circuit courts of the State; which, on his motion, was read the first, and ordered to be read a second time, and referred to the committee for courts of justice.

No. 262, Senate bill to amend and re-enact section 6 of an act to incorporate the West Point and Hanover Junction Railroad Company, approved July 8th, 1870, was taken up, on motion of Mr. Massey; and the question on the passage thereof being put, was determined in the affirmative.

The title was then agreed to.

On motion of Mr. Massey, it was

Ordered, That he inform the House of Delegates thereof and request their concurrence therein.

No. 274, Senate bill to authorize the Board of Supervisors for Craig county to contract for keeping in repair so much of Price's turnpike road as lies in said county, was taken up, on motion of Mr. Lackland, read the third time and passed with its title.

On motion of Mr. Lackland, it was

Ordered, That he inform the House of Delegates thereof and request their concurrence therein.

No. 300, Senate bill to incorporate the Richmond and Fair Oaks Turnpike Company, in the county of Henrico, was taken up, on motion

of Mr. Holladay, read the second time; and, on his further motion, amended, and, as amended, ordered to be engrossed and read a third time.

No. 222, Senate bill to amend and re-enact the 2nd and 3rd sections of an act approved March 30th, 1871, entitled an act to provide for the funding and payment of the public debt, was taken up, on motion of Mr. Fitzpatrick, read the secnd time, and, on his further motion, was amended by inserting after the word "fund," in the 24th line of 2nd amended section, the words "the value of," and by striking out, in the 25th line, the words "bearing, however, five instead."

Mr. Kirkpatrick moved further to amend the bill by adding at the end of the 3rd amended section the following proviso:

"Provided, that the provisions of this and the foregoing section shall not interfere with the operation of the law now amended upon bonds issued before the passage of this law."

The question being on agreeing to the amendment—and pending which,

On motion of Mr. Hundley, the bill was laid on the table.

A message was received from the House of Delegates by Mr. Matthew, who informed the Senate that that House had passed a bill entitled an act to amend sections 4, 23, and 25 of an act in relation to working the roads in Loudoun county, No. 193; which was subsequently taken up, on motion of Mr. Taylor of Loudoun, read the first and second times, and, on his further motion, the rule requiring the commitment of the same being suspended, was read the third time and passed with its title.

Ordered, That the clerk inform the House of Delegates thereof.

No. 270, Senate bill to incorporate the Manchester Bridge Company, was taken up, on motion of Mr. Hundley, and the amendment proposed by the committee on general laws was agreed to, and the bill, as amended, was ordered to be engrossed and read a third time.

Mr. Wynne, by leave, presented

No. 308, A bill to amend the charter of the city of Richmond; which, on his motion, was read the first, and ordered to be read a second time, and referred to the committee on general laws.

Mr. Penn, by leave, presented

No. 309, A bill to amend and re-enact sections 5 and 7 of an act to regulate and define the jurisdiction of the county and circuit courts, to prescribe the number of terms of the circuit courts, and to fix the pay of county judges; which, on his motion, was read the first, and ordered to be read a second time.

Mr. Penn, by leave, presented

No. 310, A bill in reference to certain bonds and recognizances; which, on his motion, was read the first, and ordered to be read a second time, and referred to the committee for courts of justice.

No. 294, Senate bill to incorporate the Farmers and Mechanics Benevolent Fire Insurance Association of the counties of Roanoke and Botetourt, was taken up, on motion of Mr. Lackland, read the third time and passed with its title.

On motion of Mr. Lackland, it was

Ordered, That he inform the House of Delegates thereof and request their concurrence therein.

No. 296, Senate bill to authorize the trustees of the town of Manchester to issue bonds for improvements in said town, was taken up, on motion of Mr. Hundley, read the second, and ordered to be engrossed and read a third time.

No. 136, House bill entitled an act to authorize the county court of Norfolk county to appoint commissioners to divide the roads of the various townships in said county into convenient road districts, and to contract annually for keeping in repair the public roads in said county, was taken up, on motion of Mr. Taylor of Loudoun, and the amendments proposed by the committee on general laws were agreed to.

The bill, as amended, was read the third time and passed with its title.

Ordered, That the clerk inform the House of Delegates thereof and request their concurrence in the amendments.

No. 255, Senate bill to amend and re-enact section 17, chapter 151 of the Code, in relation to proceeding where there is a garnishee, was taken up, on motion of Mr. Greene, read the second, and ordered to be engrossed and read a third time.

No. 297, Senate bill to amend an act entitled an act to amend an act passed the 29th of May, 1852, entitled an act to prescribe the mode of electing trustees for the town of Farmville, in the county of Prince Edward, and vesting them with corporate privileges, approved July 11th, 1870, to provide for the election of certain officers by the town council, was taken up, on motion of Mr. Hundley, read the third time; and the question on the passage thereof being put, resulted—ayes 11, noes 6. No quorum voting.

On motion of Mr. Greene, the vote was recorded as follows:

Ayes—Messrs. Anderson of Rockbridge, Beazley, Fitzpatrick, Hundley, Johnson, Kirkpatrick, Lewis, Patterson, Penn, Taylor of Loudoun, and Wynne—11.

Noes—Messrs. Graham, Greene, Greever, Martin, Massey, and Nutting—6. Whereupon,

On motion of Mr. Massey, the Senate adjourned until to-morrow, twelve o'clock.

TUESDAY, MARCH 18, 1873.

Prayer by Rev. Dr. Minnegerode.

A communication from the House of Delegates, by their clerk, was read as follows:

In House of Delegates, March 17, 1873.

The House of Delegates have agreed to the amendments of the Senate to House bill entitled an act to incorporate the Richmond and Henrico Turnpike Company, No. 273; and have passed Senate bills entitled an act for the relief of A. W. Vaughan, collector of Francisco township, in Buckingham county, in the year 1871, No. 105; an act for the relief of John Pollard of King & Queen county, No. 225; and have agreed to

Senate joint resolution for printing 1,000 copies of the act to amend and re-enact an act entitled an act providing for the reassessment of lands in the Commonwealth, passed February 1, 1872, so as to enable those counties in the State which failed to avail themselves of the provisions of said act to do so.

They have passed Senate bills entitled an act to amend and re-enact section 24 of the act approved May 11, 1870, entitled an act to provide for a general election, No. 51; an act to authorize the Common Council of the town of Danville to borrow money, No. 279; an act to incorporate the Suffolk Lumber Company, No. 240; an act to authorize the Board of Supervisors of Bath county to borrow money to defray the cost of erecting a bridge over the Cowpasture river, No. 271; an act to amend and re-enact section 72 of an act entitled an act to provide for a general election, approved May 11th, 1870, No. 154; an act to authorize an artificial arm, or commutation therefor, to be issued to Moses Cavanaugh, No. 258; an act to authorize the corporate authorities of Winchester to borrow money, No. 267; an act to amend and re-enact section 1 of an act passed April 27th, 1867, entitled an act to incorporate the Planters and Mechanics Insurance Company of Danville, and to change its name to the Danville Banking and Insurance Company, No. 265; an act to authorize the division of Speedwell school district, in the county of Wythe, into two school districts, No. 248; an act to enable the trustees of Mount Tabor Church, in Augusta county, and their successors in office, to receive and hold a bequest under the will of Margaret Cole, deceased, No. 266; an act to incorporate the Green Hill Cemetery of N. T. Stephensburg, Frederick county, Virginia, No. 243; and an act to amend and re-enact section 1 of chapter 15 of the Code, as amended and re-enacted by an act approved November 1st, 1870, in relation to the time of meeting of the General Assembly, No. 176.

They have dismissed Senate bills entitled an act to amend and re-enact section 1 of chapter 86 of the Code of 1860, in relation to the establishment of hospitals by counties and cities of the State, No. 232; an act providing how liens upon real estate may be discharged, No. 159; and an act to amend and re-enact section 7 of an act entitled an act to provide for the general registration of voters, approved April 12th, 1870, as amended by the act approved March 14th, 1872, in relation to the general registration of voters, No. 127; and have dismissed Senate joint resolutions providing for the selection of a site for a State reform school, and the erection of suitable buildings thereon.

Mr. Fitzpatrick, from the committee on general laws, reported with a substitute therefor,

No. 308, Senate bill to amend the charter of the city of Richmond.

Mr. Hundley, from the committee for courts of justice, reported without amendment,

No. 195, House bill entitled an act to amend and re-enact the 7th section of the 170th chapter of the Code of 1860, in relation to the service of process or notice to a corporation.

He, from the same committee, reported without amendment,

No. 286, Senate bill to amend and re-enact section 2 of chapter 191 of the Code of 1860, in relation to the crime of murder.

He, from the same committee, presented

No. 311, A bill to amend the 8th section of an act approved May 18th, 1870, fixing the salaries of judges, &c., so as to provide that judges of corporation courts shall be paid out of the treasuries of their respective corporations.

And he, from the same committee, reported without amendment,

No. 310, Senate bill in reference to certain bonds and recognizances; which was subsequently taken up, on motion of Mr. Penn, read the second, and ordered to be engrossed and read a third time.

Mr. Wynne, from the joint committee on the library, presented the following report:

"The joint committee on the library report that they have obtained the manuscript history of the Houdoun Statue, written by Col. Sherman McRae; and desirous of making public the valuable information contained in it, they respectfully recommend the adoption of the following resolution :

"Resolved, That the history of the Houdoun Statue, written by Col. Sherman McRae, be printed for the use of the Legislature, and that the same be issued with the public documents, and five hundred additional copies be printed for distribution among the members of the Senate."

Mr. Taylor of Loudoun, by leave, presented

No. 312, A bill to incorporate the Agricultural and Industrial Association of Alexandria, Virginia; which, on his motion, was read the first, and ordered to be read a second time, and referred to the committee on finance.

Mr. Greene, by leave, presented

No. 313, A bill to incorporate the Dismal Swamp Lumber Company; which, on his motion, was read the first, and ordered to be read a second time.

Mr. Penn, by leave, presented

No. 314, A bill to amend and re-enact 5th section of an act entitled an act to amend the charter of the town of Christiansburg, and extending the limits of the same; which, on his motion, was read the first, and ordered to be read a second time.

Mr. Lackland, by leave, presented

No. 315, A bill in relation to detinue; which, on his motion, was read the first, and ordered to be read a second time, and referred to the committee for courts of justice.

Mr. French, by leave, presented

No. 316, A bill to authorize the circuit court of the county of Pulaski to decree and confirm a sale of certain real estate of Mrs. S. McG. Buford and children; which, on his motion, was read the first, and ordered to be read a second time.

Mr. Penn, by leave, presented

No. 317, A bill to amend and re-enact the 2d section of an act approved March 22, 1871, entitled an act to incorporate the town of

Blacksburg, in the county of Montgomery; which, on his motion, was read the first, and ordered to be read a second time.

Mr. Greene, by leave, presented

No. 318, A bill for the relief of Joel L. Walker, administrator of the estate of David Bruce, deceased; which, on his motion, was read the first, and ordered to be read a second time, and referred to the committee on finance.

No. 291, Senate bill for the relief of Wm. P. Boyle, Elias Harman, and Franklin G. Helvey, was taken up, on motion of Mr. French, read the third time and passed with its title.

On motion of Mr. French, it was

Ordered, That he inform the House of Delegates thereof and request their concurrence therein.

No. 297, Senate bill to amend an act entitled an act to amend an act passed the 29th of May, 1852, entitled an act to prescribe the mode of electing trustees for the town of Farmville, in the county of Prince Edward, and vesting them with corporate privileges, approved July 11th, 1870, to provide for the election of certain officers by the town council, being the unfinished business of yesterday, was taken up, and, on motion of Mr. Taylor of Loudoun, laid on the table.

Subsequently the bill was taken up, on motion of Mr. Hundley, and the question being on the passage thereof, Mr. Taylor of Loudoun demanded the pending question, which was ordered; and being put, was determined in the affirmative—ayes 15, noes 11.

On motion of Mr. Robinson, the vote was recorded as follows:

Ayes—Messrs. Anderson of Rockbridge, Beazley, Boykin, Fitzpatrick, French, Greever, Holladay, Hundley, Johnson, Kirkpatrick, Lackland, Lewis, Patterson, Taylor of Loudoun, and Wynne—15.

Noes—Messrs. Connally, Graham, Greene, Martin, Massey, Norton, Nutting, Penn, Robinson, Rue, and Stevens—11.

The title of the bill was then agreed to.

On motion of Mr. Hundley, it was

Ordered, That he inform the House of Delegates of the passage of the bill and request their concurrence therein.

The chair appointed Mr. Kirkpatrick on the committee of conference on the disagreeing votes of the two houses on House bill, No. 159, in relation to interest on money or other thing, in the place of Mr. Herndon, who was, with the consent of the Senate, at his own request, excused from service on said committee.

No. 228, Senate bill to amend an act districting the State for county judges, was taken up, on motion of Mr. Herndon; and the question on reconsidering the vote by which the substitute proposed by the committee for courts of justice was adopted, being put, was determined in the affirmative.

The question recurring on agreeing to the said substitute, on motion of Mr. Herndon, the same was amended by striking out, in the 9th district, comprising the counties of Botetourt and Alleghany, the words “and Alleghany,” and uniting the counties of “Alleghany and Craig,” to form the 3rd district.

On his further motion, the county of "Giles" was stricken from the 44th district, comprising the counties of Montgomery and Giles, and the county of "Bland" from the 68th district, comprising the counties of Tazewell and Bland, and the counties of "Bland and Giles" were united to form the 11th district.

On his further motion, the vote by which the county of King George was added to the 71st district, comprising the counties of Westmoreland and Richmond, was reconsidered, and the county of "Stafford" was stricken from the 66th district, comprising the counties of "Stafford and Prince William," and the counties of "King George and Stafford" were united to form a district.

Mr. Graham moved further to amend the substitute by striking the county of "Greenesville" from the district comprising the counties of "Brunswick and Greenesville," and the county of "Sussex" from the district comprising the counties of "Southampton and Sussex," and uniting the counties of "Greenesville and Sussex" to form a district; and the question being put thereon, was determined in the affirmative, on division—ayes 20, noes 6.

On motion of Mr. Greene, the substitute was further amended by striking from district comprising the counties of "Dinwiddie and Prince George" the county of "Prince George," and by striking the county of "Surry" from the district comprising the counties of "Isle of Wight and Surry," and uniting the counties of "Prince George and Surry" to form a district.

Mr. Massey moved further to amend the substitute by striking the county of "King William" from the district comprising the counties of King & Queen and King William; and on this proposition Mr. Hundley demanded the pending question, which was ordered; and being put, was determined in the negative.

The substitute as amended was then agreed to, and the bill as amended was ordered to be engrossed and read a third time.

Mr. Connally, from the special joint committee appointed to investigate the management of the Central Lunatic Asylum, presented the following report: (Doc. No. 18).

No. 98, Senate bill to amend and re-enact chapter 122 of the Acts of 1871-72, in relation to the relief of the sureties of William Sample, late sheriff of Russell county, was taken up, on motion of Mr. Smith, read the third time, and, on motion of Mr. Taylor of Loudoun, by general consent, amended by adding at the end of the first amended section the words "nothing in this act shall be construed to release William Sample from his responsibility."

The bill, as amended, was passed—ayes 22, noes none.

The vote was recorded as follows:

Ayes—Messrs. Anderson of Rockbridge, Beazley, Boykin, Fitzpatrick, French, Graham, Greene, Greever, Herndon, Holladay, Hundley, Johnson, Lackland, Lewis, Martin, Patterson, Penn, Robinson, Rue, Smith, Stevens, and Wynne—22.

Noes—none.

— The title of the bill was then agreed to.

Ordered, That the clerk inform the House of Delegates thereof and request their concurrence therein.

Mr. Anderson of Rockbridge moved to take up the order of the day, being joint resolutions proposing amendments to sections 1, 2, 3, and 4 of the 7th article of the Constitution of this Commonwealth, in relation to county organization, for publishing said amendments, and certifying the same to the next General Assembly; and the question being put thereon, was determined in the negative—ayes 12, noes 13.

On motion of Mr. Kirkpatrick, the vote was recorded as follows:

Ayes—Messrs. Anderson of Rockbridge, Beazley, Boykin, French, Herndon, Hundley, Johnson, Kirkpatrick, Lewis, Penn, Smith, and Terry—12.

Noes—Messrs. Fitzpatrick, Graham, Greene, Greever, Holladay, Lackland, Martin, Norton, Patterson, Robinson, Rue, Taylor of Loudoun, and Wynne—13.

On motion of Mr. Wynne, the Senate proceeded to the consideration of bills on their second reading—when

No. 259, Senate bill to provide for placing on the commissioners' books the lands in the Commonwealth, and to amend sections 2, 18, 20, 25 and 28 of chapter 37, Code of 1860, in relation to the sales of forfeited and delinquent lands, and for other purposes, was taken up and read the second time, and, on motion of Mr. Penn, laid on the table.

No. 276, Senate bill to provide for the publication, distribution, and sale of Commodore Maury's second report upon the resources of Virginia, and the map accompanying the same, was taken up, read the second time, and, on motion of Mr. French, was amended by striking out, in the 3rd line, the words "fifty thousand," and inserting in lieu thereof the words "twenty-five thousand;" and the consequential amendments having been agreed to, the bill as amended was ordered to be engrossed and read a third time.

No. 257, Senate bill for the governing of warehouses and the issuing of warehouse receipts, was taken up, read the second time, and the question being on the adoption of the substitute proposed by the committee on general laws, Mr. French made an unsuccessful motion to lay the bill on the table. The question recurring on the adoption of the substitute, and being put, was determined in the affirmative. The bill as amended was ordered to be engrossed and read a third time!

No. 270, Senate bill to incorporate the Manchester Bridge Company, was taken up, on motion of Mr. Hundley, read the third time and passed.

The title of the bill was then amended as proposed by the committee on general laws, and agreed to in these words: "An act to authorize the town of Manchester to construct a free bridge over James river."

Ordered, That the clerk inform the House of Delegates of the passage of the bill and request their concurrence therein.

No. 230, Senate bill to repeal the provisions of the insurance deposit law, so far as regards foreign companies doing exclusively a marine business, was taken up, read the second time, and the question being on the adoption of the substitute proposed by the committee on general laws, on motion of Mr. Herndon, the bill was laid on the table.

No. 300, Senate bill to incorporate the Richmond and Fair Oaks Turnpike Company, in the county of Henrico, was taken up, on motion of Mr. Taylor of Loudoun, read the third time and passed with its title.

Ordered, That the clerk inform the House of Delegates thereof and request their concurrence therein.

No. 309, Senate bill to amend and re-enact sections 5 and 7 of an act to regulate and define the jurisdiction of the county and circuit courts, to prescribe the number of terms of the circuit court, and to fix the pay of county judges, was taken up, on motion of Mr. Penn, read the second time—when

Mr. Hundley moved to amend the 7th amended section by adding at the end thereof the words “but he shall not appear in any case as counsel which has been removed from his court to the circuit court;” and the question being on agreeing to the amendment, Mr. Penn demanded the pending question, which was ordered—whereupon,

On motion of Mr. Johnson, the Senate adjourned until to-morrow, twelve o'clock.

WEDNESDAY, MARCH 19, 1873.

Prayer by Rev. Dr. Minnegerode.

Mr. Fitzpatrick, from the committee on general laws, reported with the recommendation that it do not pass,

No. 304, Senate bill to authorize the qualified voters of Brandon township, in the county of Prince George, to vote on the question of repealing the fence law so far as applicable to said township.

Mr. Holladay, from the committee on roads and internal navigation, reported without amendment,

No. 103, Senate bill incorporating the Woodstock and Lost River Turnpike Company.

And he, from the same committee, reported with amendments,

No. 302, Senate bill to extend the time for the completion of its road by the Fredericksburg, Orange and Charlottesville Railroad Company, to provide for constructing a branch and extension of said road, and to prescribe what may be done to complete same in case of forfeiture incurred by said company; which was subsequently taken up, on motion of Mr. Herndon, read the second time, and the amendments of the committee were agreed to, and the bill as amended was ordered to be engrossed and read a third time; and being forthwith engrossed, was, on his further motion (two-thirds concurring), read the third time, and the question on the passage thereof being put, was determined in the affirmative—ayes 27, noes none.

The vote was recorded as follows:

Ayes—Messrs. Anderson of Pittsylvania, Anderson of Rockbridge, Beazley, Boykin, Fitzpatrick, French, Greene, Greever, Herndon, Holladay, Hundley, Johnson, Kirkpatrick, Lackland, Lathrop, Lewis,

Meem, Norton, Patterson, Penn, Quesenberry, Robinson, Rue, Stevens, Taylor of Loudoun, Terry, and Wynne—27.

Noes—none.

The title was then agreed to.

On motion of Mr. Herndon, it was

Ordered, That he inform the House of Delegates thereof and request their concurrence therein.

Mr. Anderson of Pittsylvania, from the committee on finance, reported without amendment,

No. 318, Senate bill for the relief of Joel L. Walker, administrator of the estate of David Bruce, deceased.

He, from the same committee, presented the following joint resolution:

Resolved (the House of Delegates concurring), That the Governor of this Commonwealth be and he is hereby authorized to pay to the Centennial Commissioners from Virginia to arrange and provide for the holding of an international exhibition of American and foreign arts, manufactures, and products of the soil and mine, at Philadelphia, in 1876, from time to time, out of the contingent fund annually appropriated, a sum of money not to exceed one thousand dollars, for actual expenses to be incurred in the ensuing twelve months as such commissioner; provided, that the expenditure hereby authorized shall not, in the opinion of the Governor, make any deficit in the amount annually appropriated to the contingent fund, or cause to go unpaid any of the usual expenses, to meet which said fund is provided.

And he, from the same committee, reported without amendment,

No. 312, Senate bill to incorporate the Agricultural and Industrial Association of Alexandria, Virginia.

Mr. Herndon, from the committee for courts of justice, reported with an amendment,

No. 307, Senate bill to amend and re-enact the act approved March 21st, 1872, to fix the time for holding the circuit courts of the State.

No. 242, Senate bill to authorize the issue of land warrants for small quantities in lieu of warrants heretofore issued for large quantities of land, was taken up, on motion of Mr. Kirkpatrick, and the question on the passage thereof being put, was determined in the affirmative—ayes 23, noes none.

The vote was recorded as follows:

Ayes—Messrs. Anderson of Pittsylvania, Beazley, Fitzpatrick, Greene, Grever, Grimsley, Herndon, Holladay, Johnson, Kirkpatrick, Lackland, Lewis, Meem, Norton, Patterson, Penn, Quesenberry, Robinson, Rue, Stevens, Taylor of Loudoun, Terry, and Wynne—23.

Noes—none.

The title was then agreed to.

Ordered, That the clerk inform the House of Delegates thereof and request their concurrence therein.

A message was received from the House of Delegates by Mr. Lawson, who informed the Senate that that House had agreed to the following joint resolution:

Resolved (the Senate concurring), That for the election of judges of county courts, nominations therefor shall be made for five counties or districts; when the roll shall be called in each House for the election of a judge for one county or district, and when the rolls shall have been called for the election of five judges of county courts, the presiding officer of each House shall appoint a committee, which, together, shall constitute a joint committee to count the joint vote in each of the said five cases, and report the result to their respective Houses.

The resolution was taken up, on motion of Mr. Hundley, and the question on agreeing thereto being put, was determined in the affirmative.

On motion of Mr. Hundley, it was

Ordered, That he inform the House of Delegates thereof.

Mr. Penn offered the following joint resolution, which lies over under the rules:

Resolved by the General Assembly, That the Treasurer of the State be instructed to repay to the parties who paid the same all sums of money paid into the treasury under the 61st section of the tax law.

Mr. Quesenberry, by leave, presented

No. 319, A bill declaring certain parts of the Chickahominy river a public highway; which, on his motion, was read the first, and ordered to be read a second time.

No. 306, Senate bill to amend and re-enact the 1st, 2nd, 3rd, 4th, and 8th sections of an act entitled an act to amend the charter of the Richmond and Lynchburg Railroad Company, approved July 11th, 1870, so as to change the name of the said company, and extend the time within which it may commence and complete the said railroad, was taken up, on motion of Mr. Hundley, read the second, and ordered to be engrossed and read a third time.

Mr. Herndon offered the following joint resolution, which lies over under the rules, and, on his motion, ordered to be printed:

Resolved by the General Assembly, That as soon as the edition of the Code of Virginia directed to be published by an act passed at the present session of the General Assembly shall be completed, it shall be the duty of the Superintendent of Public Printing to distribute the same as follows:

One copy to each of the members of the General Assembly and to the clerk of each House; and one copy to each of the following public officers: The Governor, Lieutenant-Governor, Attorney-General, Secretary of the Commonwealth, Auditor of Public Accounts, Second Auditor, Treasurer, Register of the Land Office, Adjutant-General, Superintendent of Public Instruction, Secretary of the Board of Public Works, Superintendent of the Penitentiary, each Judge of the Supreme Court of Appeals, of the circuit courts, of the county and corporation courts, and of the chancery court; to each justice of the peace, mayor and clerk of any court of this State, each attorney for the Commonwealth, sheriff, sergeant, and county or city treasurer; to every judge and clerk of any court in this State under the laws of the United States, and to each attorney and marshal holding office under the United States; one copy to the University, to the Washington and Lee Univer-

sity, to each college within the State, to the Board of Directors of each of the lunatic asylums, to the Deaf and Dumb and Blind Institution, and to the Virginia Military Institute; five copies to the general library, and five copies to the State law library, ten copies to the clerk of the Senate for the use of the Senate, and fifteen copies to the clerk of the House of Delegates for the use of that House, and five copies to the compiler and editor of the work, G. W. Munford; and he shall deliver the remaining copies to the Secretary of the Commonwealth, to be appropriated as follows:

One copy to the Governor of each of the other States and of the Territories, for the use of the respective State and Territories; three copies to the Librarian of Congress, whereof one copy shall be for the library, and one for each of the two Houses of Congress; three copies to the Secretary of State of the United States, whereof one shall be for his office, one for the President, and one for the Attorney-General of the United States; and the copies not required for distribution shall constitute a part of the library fund, and to be disposed of as provided in the nineteenth chapter, the price to be ascertained and fixed by the Superintendent of Public Printing and the Secretary of the Commonwealth.

No. 281, Senate bill incorporating Woodstock and Wardensville Turnpike Company, was taken up, on motion of Mr. Meem, read the first, and ordered to be read a second time; and, on his further motion (two-thirds concurring), was read the second, and ordered to be engrossed and read a third time; and being forthwith engrossed, was, on his further motion (two-thirds concurring), read the third time and passed with its title.

Ordered, That the clerk inform the House of Delegates thereof and request their concurrence therein.

No. 224, Senate bill to provide for the establishment of the Southern Lunatic Asylum, and to establish the Central Lunatic Asylum on a permanent basis, was taken up, on motion of Mr. Lathrop, and the question on the passage thereof being put, was determined in the affirmative—ayes 22, noes 4.

The vote was recorded as follows:

Ayes—Messrs. Anderson of Pittsylvania, Anderson of Rockbridge, Beazley, Connally, Greene, Greever, Holladay, Hundley, Johnson, Kirkpatrick, Lackland, Lathrop, Lewis, Meem, Penn, Quesenberry, Robinson, Rue, , Smith, Stevens, Terry, and Wynne—22.

Noes—Messrs. Boykin, Herndon, Martin, and Norton—4.

The title was then agreed to.

Ordered, That the clerk inform the House of Delegates thereof and request their concurrence therein.

No. 307, Senate bill to amend and re-enact the act approved March 21st, 1872, to fix the time for holding the circuit courts of the State, was taken up, on motion of Mr. Penn, and the question being on agreeing to the amendment proposed by the committee for courts of justice, which is as follows: Insert after the 18th section the following independent section:

“§ 19. Whenever it shall appear to the satisfaction of the judge of any

circuit that neither the interest of suitors nor the public interest requires that one of the prescribed terms of said court shall be held, it shall be lawful for said judge to dispense with the holding of said term, either by an order entered on the record at a previous term, or by notice in writing given by him to the clerk of said court at least thirty days before the first day of the term so to be dispensed with; a copy of which notice shall be posted at once by said clerk at the front door of the court-house, and a copy delivered by him to the sheriff of said county."

Mr. Hundley moved to amend the amendment by adding the following proviso:

"Provided, that this section shall only apply to counties of less than ten thousand inhabitants;" and the question on agreeing thereto being put, was determined in the negative, on division—ayes 11, noes 12.

The question recurring on agreeing to the amendment proposed by the committee, and being put, was determined in the negative—ayes 5, noes 22.

On motion of Mr. Lackland, the vote was recorded as follows:

Ayes—Messrs. Anderson of Rockbridge, Grimsley, Herndon, Holladay, and Johnson—5.

Noes—Messrs. Anderson of Pittsylvania, Beazley, Boykin, Fitzpatrick, French, Greene, Greever, Hundley, Kirkpatrick, Lackland, Lewis, Martin, Meem, Norton, Penn, Quesenberry, Robinson, Rue, Smith, Taylor of Loudoun, Taylor of Norfolk city, and Terry—22.

On motion of Mr. Penn, the blanks in the 10th and 13th sections (9th and 12th circuits) were filled.

Mr. Taylor of Loudoun moved to amend the 12th section (11th circuit) so as to rearrange the times for holding the circuit courts in Loudoun county—when

Mr. Herndon moved to lay the bill on the table and make it the order of the day for to-morrow at twelve o'clock; and the question being put thereon, was determined in the negative, on division—ayes 9, noes 16.

The question recurring on agreeing to the amendment proposed by Mr. Taylor of Loudoun, and being put, was determined in the negative.

Mr. Lackland offered an amendment to the 15th section (14th circuit) re-arranging the times for holding the circuit courts in the counties of Roanoke, Botetourt, and Craig, which was agreed to.

On motion of Mr. Kirkpatrick, the 6th section (5th circuit) was amended by re-arranging the times for holding the circuit courts in the counties of Bedford, Nelson, Amherst, Appomattox, and Campbell, and the city of Lynchburg.

On motion of Mr. Boykin, the 2nd section (1st circuit) was amended by re-arranging the times for holding the circuit courts in the cities of Norfolk and Portsmouth, and the counties of Norfolk, Princess Anne, Nansemond, Isle of Wight, Surry, and Southampton.

Mr. Herndon made a motion that the bill be laid on the table and made the order of the day for to-morrow at twelve o'clock; and the question being put thereon, was determined in the negative.

On motion of Mr. Herndon, the blanks in the 11th section (10th circuit) were filled.

Mr. Herndon made an unsuccessful motion to strike out the 18th section of the bill.

On motion of Mr. Penn, the 18th section was amended by striking out, in the 7th and 8th lines, the words "Secretary of the Commonwealth," and inserting in lieu thereof the words "Keeper of the Rolls;" and by striking out, in the 7th and 8th lines, the words "and the Secretary of the Commonwealth shall cause to be printed," and inserting in lieu thereof the words "who shall cause to be printed annually."

The bill as amended was then ordered to be engrossed and read a third time.

Mr. Wynne, by leave, presented

No. 320, A bill to enlarge the jurisdiction of the circuit court of the city of Richmond; which, on his motion, was read the first, and ordered to be read a second time, and referred to the committee for courts of justice.

Mr. French, by leave, presented

No. 321, A bill to amend and re-enact an act passed December 19th, 1866, entitled an act to incorporate the Southwestern Virginia Mining, Smelting and Transportation Company; which, on his motion, was read the first, and ordered to be read a second time.

No. 228, Senate bill to amend an act districting the State for county judges, was taken up, on motion of Mr. Herndon, read the third time and passed.

The title was then amended as proposed by the committee for courts of justice, and agreed to in these words:

"An act to amend and re-enact the 1st section of an act approved April 2nd, 1870, to district the State for county judges.

On motion of Mr. Meem, it was

Ordered, That he inform the House of Delegates thereof and request their concurrence therein.

Mr. Patterson, from the joint committee on executive expenditures, presented the following report:

"The joint committee on the part of the Senate and House of Delegates on executive expenditures for the fiscal year ending the 30th of September, 1872, beg leave to report that they have carefully examined the various items of expenditure authorized by the executive department, and enumerated in a communication from the Auditor of Public Accounts, known as Senate document No. 15, and find that all of said items of expenditure are sustained by satisfactory vouchers.

Your committee feel satisfied from their investigation that the fund appropriated has been judiciously and properly expended.

Respectfully submitted,

JAMES PATTERSON,

Chairman of Senate Committee.

EDMUND R. BAGWELL,

Chairman of House Committee."

Mr. Anderson of Pittsylvania, by leave, presented

No. 322, A bill to incorporate the Danville and Franklin Railroad

Company; which, on his motion, was read the first, and ordered to be read a second time, and referred to the committee on roads and internal navigation.

Mr. Herndon, by leave, presented

No. 323, A bill to allow judges of certain corporation or hustings courts to practice law; which, on his motion, was read the first, and ordered to be read a second time, and referred to the committee for courts of justice.

No. 309, Senate bill to amend and re-enact sections 5 and 7 of an act to regulate and define the jurisdiction of the county and circuit courts, to prescribe the number of terms of the circuit court, and to fix the pay of county judges, being the unfinished business of yesterday, was taken up, and the pending question being on agreeing to the amendment offered by Mr. Hundley,

Mr. Penn, by general consent (Mr. Hundley being in the chair), withdrew the amendment—when

Mr. Anderson of Rockbridge moved to amend the bill by striking out the whole of the 7th section, and inserting in lieu thereof the following:

“The judge of the county court shall not practice law in any of the courts of this Commonwealth.”

The question on agreeing to the amendment being put, was determined in the negative.

On motion of Mr. Lackland, the vote by which the amendment was rejected was reconsidered, and the question recurring on agreeing to the amendment,

Mr. Greever demanded the pending question, which was ordered; and being put, was determined in the negative—ayes 7, noes 18.

On motion of Mr. Anderson of Rockbridge, the vote was recorded as follows:

Ayes—Messrs. Anderson of Rockbridge, Herndon, Holladay, Johnson, Norton, Taylor of Loudoun, and Wynne—7.

Noes—Messrs. Anderson of Pittsylvania, Beazley, Fitzpatrick, French, Greever, Grimsley, Hundley, Kirkpatrick, Lackland, Martin, Meem, Patterson, Penn, Robinson, Rue, Smith, Stevens, and Taylor of Norfolk city—18.

The bill was then ordered to be engrossed and read a third time.

Mr. Johnson moved to adjourn; and the question being put thereon, was determined in the affirmative, on division—ayes 14, noes 7.

The Chair announced the Senate adjourned until to-morrow, twelve o'clock.

THURSDAY, MARCH 20, 1873.

A communication from the House of Delegates, by their clerk, was read as follows:

‘ In House of Delegates, March 19, 1873.

The House of Delegates have agreed to the amendments of the Sen-

ate to House bills entitled an act to amend and re-enact the 7th section of an act approved April 2nd, 1870, to provide for dividing the several counties of this State into townships, No. 101; and an act to amend and re-enact the 1st and 2nd sections of the 169th chapter of the Code of 1860, as amended by the 12th chapter of the act of 1863-4, and by the 18th chapter of the Acts of 1864-5, prescribing the courts in which legal proceedings are commenced, No. 196; and have passed Senate bill entitled an act to increase the capital stock of the Petersburg Gas Light Company, No. 218.

Mr. Taylor of Norfolk city, from the committee on roads and internal navigation, reported without amendment,

109, House bill entitled an act to incorporate the New York, Norfolk and Charleston Railway Company.

And he, from the same committee, reported without amendment,

No. 283, Senate bill to provide the manner in which certain stock may be voted at the meeting of the internal improvement companies of the State.

No. 182, House bill entitled an act to amend and re-enact the 6th section of an act entitled an act to provide for the organization of county school boards, and prescribing the powers and duties of said boards, and to amend and re-enact 40th section of the act entitled an act to establish and maintain a uniform system of public free schools, approved July 11, 1870, approved February 21st, 1872, was taken up, on motion of Mr. Quesenberry, and the substitute proposed by the committee on public institutions was agreed to, and the bill, as amended, was read the third time and passed.

The title of the bill was then amended as proposed by the committee on public institutions, and agreed to in these words:

"An act in relation to the Aaron Hall Free School Fund of the county of Hanover."

On motion of Mr. Quesenberry, it was

Ordered, That he inform the House of Delegates of the passage of the bill and request their concurrence in the amendments.

A message was received from the House of Delegates by Mr. Lovenstein, who informed the Senate that that House had agreed to the following joint resolution :

Resolved by the House of Delegates (the Senate concurring), That the General Assembly proceed in the execution of the joint order for the election of county judges in the following order: Amelia, Albemarle, Alleghany, and Craig; Appomattox, Augusta, Bedford, Brunswick, Buchanan, and Wise; Buckingham, Campbell, Caroline, Chesterfield, Dinwiddie, Fluvanna, Franklin, Frederick, Goochland, Hanover, Halifax, and Henrico.

The resolution was taken up and agreed to.

Ordered, That Mr. Hundley inform the House of Delegates thereof.

Mr. Quesenberry, by leave, presented

No. 324, A bill incorporating the Rappahannock and Hanover Junction Railroad Company; which, on his motion, was read the first, and

For the county of Augusta—Jno. N. Herndon.

On motion of Mr. Hundley, it was

Ordered, That he inform the House of Delegates that no additional nominations had been made in the Senate.

The roll for the election of the county judge of Amelia was then called, with the following result:

For F. R. Farrar	-	-	-	-	-	25
John Robinson	-	-	-	-	-	1

The Senators who voted for Mr. Farrar, are—Messrs. Anderson of Rockbridge, Beazley, Boykin, Connally, Fitzpatrick, French, Greever, Grimsley, Herndon, Holladay, Hundley, Johnson, Kirkpatrick, Lackland, Lewis, Meem, Patterson, Penn, Quesenberry, Rixey, Roller, Smith, Thomas, Ward, and Wynne—25.

The Senator who voted for Mr. Robinson, is—Mr. Massey—1.

The roll was then called for the election of county judge for Albemarle, with the following result:

For John L. Cochran	-	-	-	-	-	25
Wm. T. Early	-	-	-	-	-	1

Senators who voted for Mr. Cochran, are—Messrs. Anderson of Rockbridge, Beazley, Boykin, Connally, Fitzpatrick, French, Greever, Grimsley, Herndon, Holladay, Hundley, Johnson, Kirkpatrick, Lackland, Lewis, Meem, Patterson, Penn, Quesenberry, Rixey, Roller, Smith, Thomas, Ward, and Wynne—25.

Senator who voted for Mr. Early, is—Mr. Massey—1.

The roll was then called for the election of county judge for the district composed of the counties of Alleghany and Craig, with the following result:

For Andrew Dameron	-	-	-	-	-	25
Wm. Skeen	-	-	-	-	-	1

Senators who voted for Mr. Dameron, are—Messrs. Anderson of Rockbridge, Beazley, Boykin, Connally, French, Greever, Grimsley, Herndon, Holladay, Hundley, Johnson, Kirkpatrick, Lackland, Lewis, Meem, Patterson, Penn, Quesenberry, Rixey, Roller, Smith, Taylor of Norfolk city, Thomas, Ward, and Wynne—25.

Senator who voted for Mr. Skeen, is—Mr. Massey—1.

The roll was then called for the election of county judge for Appomattox, with the following result:

For Henry T. Parish,	-	-	-	-	-	23
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Senators who voted for Mr. Parish, are—Messrs. Anderson of Rockbridge, Beazley, Connally, Fitzpatrick, French, Greever, Grimsley, Herndon, Holladay, Hundley, Johnson, Lackland, Meem, Patterson, Quesenberry, Rixey, Roller, Smith, Taylor of Norfolk city, Terry, Thomas, Ward, and Wynne—23.

The roll was then called for the election of county judge for Augusta, with the following result:

For John N. Hendren	-	-	-	-	-	26
Alexander B. Cochran	-	-	-	-	-	1

Senators who voted for Mr. Hendren, are—Messrs. Anderson of Pittsylvania, Anderson of Rockbridge, Beazley, Boykin, Connally, Fitz-

patrick, French, Greever, Grimsley, Herndon, Holladay, Hundley, Johnson, Lackland, Lewis, Meem, Patterson, Quesenberry, Rixey, Roller, Smith, Taylor of Norfolk city, Terry, Thomas, Ward, and Wynne —26.

Senator who voted for Mr. Cochran, is—Mr. Massey—1.

The President appointed Messrs. Boykin and Massey a committee on the part of the Senate to meet a similar committee on the part of the House of Delegates, and count the joint vote for the persons voted for, for the office of county judge of each of the five preceding judicial districts.

The committee reported through its chairman, Mr. Boykin, as follows:

For county judge of Amelia:

Whole number of votes cast	-	-	-	111
Necessary to a choice	-	-	-	56
Of which F. R. Farrar received	-	-	-	110
John Robinson received	-	-	-	1

For county judge of Albemarle:

Whole number of votes cast	-	-	-	110
Necessary to a choice	-	-	-	56
Of which Jno. L. Cochran received	-	-	-	109
Wm. T. Early received	-	-	-	1

For county judge of Alleghany and Craig:

Whole number of votes cast	-	-	-	109
Necessary to a choice	-	-	-	55
Of which Andrew Dameron received	-	-	-	108
Wm. Skeen received	-	-	-	1

For county judge of Appomattox:

Whole number of votes cast	-	-	-	101
Necessary to a choice	-	-	-	51
Of which Henry T. Parish received	-	-	-	101

For county judge of Augusta:

Whole number of votes cast	-	-	-	104
Necessary to a choice	-	-	-	53
Of which John N. Hendren received	-	-	-	103
Alexander B. Cochran received	-	-	-	1

F. R. Farrar, John L. Cochran, Andrew Dameron, and John N. Hendren, having received a majority of all the votes cast, were severally declared duly elected county judges for their respective counties for the constitutional term of that office, commencing on the 1st of January, 1874.

A message was received from the House of Delegates by Mr. Head, who informed the Senate that in the further execution of the joint order, the following gentlemen had been placed in nomination in that House for the office of county judge, viz:

For the county of Bedford—John A. Wharton.

For the county of Brunswick—R. M. Mallory.

For the counties of Buchanan and Wise—Samuel L. Graham.

For the county of Buckingham—John Hill.

For the county of Campbell—John G. Haythe.

On motion of Mr. Taylor of Norfolk city, it was

Ordered, That he inform the House of Delegates that no additional nominations had been made in the Senate.

The roll for the election of the county judge of Bedford was then called, with the following result:

For John A. Wharton

25

Senators who voted for Mr. Wharton, are—Messrs. Anderson of Pittsylvania, Anderson of Rockbridge, Beazley, Boykin, Connally, Fitzpatrick, French, Greever, Grimsley, Herndon, Holladay, Hundley, Johnson, Lewis, Meem, Patterson, Penn, Quesenberry, Rixey, Smith, Taylor of Loudoun, Taylor of Norfolk city, Terry, Thomas, and Ward—25.

The roll for the election of county Judge for Brunswick was then called, with the following result:

For R. M. Mallory

23

Senators who voted for Mr. Mallory, are—Messrs. Anderson of Pittsylvania, Anderson of Rockbridge, Beazley, Boykin, Connally, Fitzpatrick, French, Greever, Grimsley, Herndon, Hundley, Johnson, Patterson, Penn, Quesenberry, Rixey, Roller, Smith, Taylor of Loudoun, Taylor of Norfolk city, Terry, Thomas, and Ward—23.

The roll for the election of county judge of the district composed of the counties of Buchanan and Wise was then called, with the following result:

For Samuel L. Graham

24

Senators who voted for Mr. Graham, are Messrs. Anderson of Pittsylvania, Anderson of Rockbridge, Beazley, Boykin, Connally, Fitzpatrick, French, Greever, Grimsley, Herndon, Hundley, Johnson, Lackland, Patterson, Penn, Quesenberry, Rixey, Smith, Taylor of Loudoun, Taylor of Norfolk city, Terry, Thomas, Ward, and Wynne—24.

The roll for the election of county judge for Buckingham was then called, with the following result:

For John Hill

26

Senators who voted for Mr. Hill, are—Messrs. Anderson of Pittsylvania, Anderson of Rockbridge, Beazley, Boykin, Connally, Fitzpatrick, French, Greever, Grimsley, Herndon, Holladay, Hundley, Johnson, Lackland, Patterson, Penn, Quesenberry, Rixey, Roller, Smith, Taylor of Loudoun, Taylor of Norfolk city, Terry, Thomas, Ward, and Wynne—26.

The roll for the election of county judge for Campbell was then called, with the following result:

For John G. Haythe

27

Senators who voted for Mr. Haythe, are—Messrs. Anderson of Pittsylvania, Anderson of Rockbridge, Beazley, Boykin, Connally, Fitzpatrick, French, Greever, Grimsley, Herndon, Holladay, Hundley, Johnson, Lackland, Meem, Patterson, Penn, Quesenberry, Rixey, Roller, Smith, Taylor of Loudoun, Taylor of Norfolk city, Terry, Thomas, Ward, and Wynne—27.

The President appointed Messrs. Hundley and Lackland a committee on the part of the Senate to meet a similar committee on the part of the

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House of Delegates, and count the joint vote for the persons voted for, for the office of county judge for each of the five preceding judicial districts.

The committee reported through its chairman, Mr. Hundley, as follows:

For county judge of Bedford:

Whole number of votes cast	-	-	-	103
Necessary to a choice	-	-	-	52
Of which John A. Wharton received	-	-	-	103

For county judge of Brunswick:

Whole number of votes cast	-	-	-	104
Necessary to a choice	-	-	-	53
Of which R. M. Mallory received	-	-	-	104

For county judge of Buchanan and Wise:

Whole number of votes cast	-	-	-	103
Necessary to a choice	-	-	-	52
Of which Samuel L. Graham received	-	-	-	103

For county judge of Buckingham:

Whole number of votes cast	-	-	-	108
Necessary to a choice	-	-	-	55
Of which John Hill received	-	-	-	108

For county judge of Campbell:

Whole number of votes cast	-	-	-	110
Necessary to a choice	-	-	-	56
Of which John G. Haythe received	-	-	-	110

John A. Wharton, R. M. Mallory, Samuel L. Graham, John Hill and John G. Haythe having received a majority of all the votes cast, were severally declared duly elected county judges for their respective counties for the constitutional term of that office, commencing on the 1st day of January, 1874.

A message was received from the House of Delegates by Mr. Dooley, who informed the Senate that that House had agreed to the following joint resolution :

Resolved (with the concurrence of the Senate), That the further execution of the joint order, which has for its object the election of judges of the county courts, be postponed till to-morrow, twelve o'clock.

The resolution was taken up, and the question being on agreeing thereto, Mr. Penn offered the following as a substitute therefor:

Whereas it is apparent that the Legislature can complete the election of county judges in a few days; and, whereas the last five days of the session cannot be occupied in the passage of important bills, since no time would be allowed for their enrollment and an examination by the Executive; therefore,

Resolved (with the concurrence of the House of Delegates), That the further execution of the joint order for the election of county judges be postponed until the 25th instant.

The question on the adoption of the substitute being put, was determined in the affirmative; and the resolution as amended was then agreed to.

On motion of Mr. Penn, it was

Ordered, That Mr. Johnson inform the House of Delegates thereof and request their concurrence in the amendment. Subsequently,

A message was received from the House of Delegates by Mr. Dooley, who informed the Senate that that House had disagreed to the amendment proposed by the Senate to the said joint resolution—whereupon Mr. Hundley moved that the Senate recede from its amendment.

Mr. French made an unsuccessful motion to adjourn.

The question recurring on agreeing to the motion to recede from the amendment, and being put, was determined in the affirmative; and,

On motion of Mr. Penn, it was

Ordered, That he inform the House of Delegates thereof.

On motion of Mr. French, the Senate adjourned until to-morrow, eleven o'clock.

FRIDAY, MARCH 21, 1873.

Mr. Thomas, President pro tempore, in the chair.

A communication from the House of Delegates, by their clerk, was read as follows:

In House of Delegates, March 20, 1873.

The House of Delegates have receded from their disagreement to the 6th amendment of the Senate, and have agreed to said amendment to House bill entitled an act for the preservation of oysters, and to obtain revenue for the privilege of taking them within the waters of the Commonwealth, No. 52; and have agreed to the amendments of the Senate to House bills entitled an act to authorize the county court of Norfolk county to appoint commissioners to divide the roads of the various townships in said county into convenient road districts, and to contract annually for keeping in repair the public roads in said county, No. 136; and in act to amend and re-enact the 5th section of the 172d chapter of the Code of Virginia (edition of 1860), in relation to special pleas of sett-off, No. 154.

They have passed Senate bills entitled an act to amend and re-enact section 38 of chapter 57 of the Code of 1860, as to the pleading of usury by chartered companies, No. 250; and an act incorporating the Woodstock and Wardensville Turnpike Company, No. 281.

And have passed House bills entitled an act to amend and re-enact section 17 of an act entitled an act to amend and re-enact sections 17 and 22 of an act amending the charter of the town of Harrisonburg, passed July 9th, 1870, No. 345; an act to incorporate the town of Manassas, in Prince William county, No. 348; an act to incorporate the Nansemond and Norfolk County Turnpike Company, No. 237; an act providing for the pay of city and corporation judges, No. 364; an act to amend and re-enact an act entitled an act to fix the compensation of the members of the Board of Supervisors of Lee, Wise, Scott, Buchanan, Russell, and Bland counties, and for other purposes, approved March 21st,

1872. No. 163; an act to prohibit the receiving of coupons for all portions of the public revenue, set apart by the Constitution for public free school purposes and for the permanent Literary Fund, No. 140; an act to extend the time within which William W. Phelps, late sheriff of Wythe county, may collect taxes, &c., No. 334; an act to amend and re-enact section 1, chapter 101, Code of 1860, in relation to the protection of deer throughout the Commonwealth, No. 141; and an act to regulate the fees of sheriffs, No. 180.

No. 140, House bill entitled an act to prohibit the receiving of coupons for all portions of the public revenue, set apart by the Constitution for public free school purposes and for the permanent Literary Fund, was taken up, twice read, and referred to the committee on finance.

No. 334, House bill entitled an act to extend the time within which William W. Phelps, late sheriff of Wythe county, may collect taxes, &c., was taken up, twice read, and referred to the committee on finance.

No. 141, House bill entitled an act to amend and re-enact section 1, chapter 101, Code of 1860, in relation to the protection of deer throughout the Commonwealth, was taken up, twice read, and referred to the committee on general laws.

No. 345, House bill entitled an act to amend and re-enact section 17 of an act entitled an act to amend and re-enact sections 17 and 22 of an act amending the charter of the town of Harrisonburg, passed July 9th, 1870, was taken up, twice read, and referred to the committee on county, city, and town organizations.

No. 348, House bill entitled an act to incorporate the town of Manassas, in Prince William county, was taken up, twice read, and, on motion of Mr. Taylor of Loudoun, the rule requiring the commitment of the same being suspended, was read the third time and passed with its title.

Ordered, That the clerk inform the House of Delegates thereof.

No. 237, House bill entitled an act to incorporate the Nansemond and Norfolk County Turnpike Company, was taken up, twice read, and, on motion of Mr. Boykin, the rule requiring the commitment of the same being suspended, was read the third time and passed with its title.

Ordered, That the clerk inform the House of Delegates thereof.

No. 364, House bill entitled an act providing for the pay of city and corporation judges, was taken up, twice read, and referred to the committee for courts of justice.

No. 163, House bill entitled an act to amend and re-enact an act entitled an act to fix the compensation of the members of the Board of Supervisors of Lee, Wise, Scott, Buchanan, Russell, and Bland counties, and for other purposes, approved March 21st, 1872, was taken up, twice read, and referred to the committee on county, city, and town organizations.

No. 180, House bill entitled an act to regulate the fees of sheriffs, was taken up, twice read, and referred to the committee for courts of justice.

Mr. Herndon, from the committee for courts of justice, reported without amendment,

No. 315, Senate bill in relation to actions in detinue.

He, from the same committee, reported with amendments,

No. 246, Senate bill to amend and re-enact section 2 of chapter 151, Code of 1860, in relation to attachments.

And he, from the same committee, presented

No. 328, A bill for the relief of A. A. Hobson, John M. Williams, and John D. Scott.

Mr. Taylor of Norfolk city, from the committee on roads and internal navigation, reported with a substitute therefor,

No. 65, Senate bill in relation to the Norfolk and Southern Railroad Company.

And he, from the same committee, reported without amendment,

No. 322, Senate bill to incorporate the Danville and Franklin Railroad Company.

Mr. Anderson of Pittsylvania, by leave, presented

No. 329, A bill to authorize the trustees of Main Street Methodist Episcopal Church, South, in Danville, to borrow money; which, on his motion, was read the first, and ordered to be read a second time.

Mr. Taylor of Loudoun, by leave, presented

No. 330, A bill to authorize the Leesburg and Aldie Turnpike Company to issue preferred stock; which, on his motion, was read the first, and ordered to be read a second time.

Mr. Terry offered the following joint resolution, which lies over under the rules:

Resolved (the House of Delegates concurring), That the Superintendent of Public Buildings, with the advice of the Adjutant-General, be and he is hereby authorized and required to fit up the bell-house, in the capitol grounds, as an arsenal for storage and incidental ordnance service, the same, when so fitted up, to be under the control of the Adjutant-General of the State for the purpose herein mentioned.

No. 269, Senate bill to amend and re-enact section 14 of chapter 177 of the Code of 1860, in relation to interest, being the unfinished business of yesterday, was taken up, and the question being on the passage of the bill,

Mr. Greever moved to reconsider the vote by which the bill was ordered to its engrossment and third reading; and the question being put thereon, was determined in the affirmative—ayes 21, noes 3.

On motion of Mr. Roller, the vote was recorded as follows:

Ayes—Messrs. Beazley, Boykin, Fitzpatrick, Greene, Greever, Hunday, Johnson, Kirkpatrick, Lackland, Lewis, Meem, Norton, Patterson, Penn, Pridemore, Quesenberry, Taylor of Loudoun, Taylor of Norfolk city, Terry, Ward, and Wynne—21.

Noes—Messrs. Herndon, Rixey, and Roller—3.

On motion of Mr. Penn, the bill was amended by adding at the end of the 14th amended section the following:

“And on any judgment or decree heretofore rendered, which has not been paid, the defendant may, on motion, after ten days’ notice to the

plaintiff, cause the same to be reviewed by the court in which it was rendered; and if it shall appear from the record that the judgment embraces interest which accrued between April 17th, 1861, and April 10th, 1865, it shall be lawful for the court to cause said judgment to be abated to the extent of the interest so embraced. This provision shall not be so construed as to give authority to any court to review such judgment for any other cause whatever. This motion shall, in all cases, be at the costs of the plaintiff in the motion."

Mr. Kirpatrick moved further to amend the bill by adding at the end of the 4th section, the following:

"Provided, however, that wherever the contract which is the subject of action, shall demand upon its face interest upon the principal sum which may be found due, it shall not be lawful for the court or jury to remit the interest."

The question on agreeing to the amendment being put, was determined in the negative.

The bill as amended was ordered to be engrossed and read a third time; and being forthwith engrossed,

Mr. Quesenberry moved that it have its third reading to-day; and the question being put thereon, was determined (for want of a constitutional majority) in the negative.

The following bills were taken up, read the third time and passed with their titles:

No. 284, Senate bill to establish a high school in the town of Jeffersonville, and to constitute said town and the country for three miles around the same a sub-school district, and for other purposes.

No. 299, Senate bill to authorize Chesterfield Land and Improvement Company to build wharves. And

No. 296, Senate bill to authorize the trustees of the town of Manchester to issue bonds for improvements in said town.

No. 200, Senate bill to amend and re-enact section 39 of chapter 184 of the Code of 1860, as amended, concerning allowance of certain officers was taken up, read the third time, and the question on the passage thereof being put, was determined in the affirmative—ayes 16, noes 12.

On motion of Mr. Pridemore, the vote was recorded as follows:

Ayes—Messrs. Beazley, Fitzpatrick, Greever, Herndon, Johnson, Lackland, Lewis, Meem, Quesenberry, Rixey, Roller, Taylor of Loudoun, Taylor of Norfolk city, Terry, Thomas, and Ward—16.

Noes—Messrs. Anderson of Pittsylvania, French, Greene, Hundley, Martin, Massey, Norton, Penn, Pirdemore, Rue, Smith, and Wynne—12.

The title was then agreed to.

No. 255, Senate bill to amend and re-enact section 17, chapter 151 of the Code, in relation to proceeding where there is a garnishee, was taken up, read the third time, and the question on the passage thereof being put, was determined in the affirmative—ayes 20, noes 9.

On motion of Mr. Green, the vote was recorded as follows:

Ayes—Messrs. Fitzpatrick, Greene, Greever, Grinsley, Hundley, Lack-

land, Martin, Massey, Norton, Patterson, Penn, Quesenberry, Rixey, Robinson, Roller, Rue, Terry, Thomas, Ward, and Wynne—20.

Noes—Anderson of Rockbridge, Beazley, Johnson, Kirkpatrick, Lewis, Pridemore, Smith, Taylor of Loudoun, and Taylor of Norfolk city—9.

The title was then agreed to.

Ordered, That the clerk inform the House of Delegates of the passage of the five preceding bills and request their concurrence therein.

A message was received from the House of Delegates by Mr. Lovenstein, who informed the Senate that that House had agreed to the following joint resolution :

Resolved (the Senate concurring), That the General Assembly, in the further execution of the joint order, having for its object the election of county judges, proceed in the following order : Caroline, Chesterfield, Dinwiddie, Fluvanna, Franklin, Frederick, Goochland, Hanover, Henrico, Amherst, Botetourt, Essex, Greenesville and Sussex ; Henry, Isle of Wight, King and Queen and King William ; King George and Stafford ; Louisa, Norfolk, Northumberland, Lancaster, Orange, Patrick, Pittsylvania, Prince Edward, Prince George and Surry ; Prince William, Rappahannock, Rockbridge, Scott, Smyth, Warren and Clarke ; Westmoreland and Richmond.

The resolution was taken up, on motion of Mr. Hundley, and agreed to.

On motion of Mr. Lackland, it was

Ordered, That he inform the House of Delegates thereof.

A message was received from the House of Delegates by Mr. Riddlebarger, who informed the Senate that that House is ready on its part to proceed to the execution of the joint order of the day, which has for its object the election of county judges.

On motion of Mr. Patterson, it was

Ordered, That he inform the House of Delegates that the Senate is ready on its part to proceed to the execution of the joint order of the day.

A message was received from the House of Delegates by Mr. McMullin, who informed the Senate that the following gentlemen had been placed in nomination in that House for the office of county judge, viz:

For the county of Caroline—Walter G. Hudgin.

For the county of Chesterfield—Wm. I. Clopton.

For the county of Dinwiddie—Joseph S. Budd.

For the county of Fluvanna—Wm. R. Cocke.

For the county of Franklin—Thos. H. Bernard.

On motion of Mr. Patterson, it was

Ordered That he inform the House of Delegates that no additional nominations had been made in the Senate.

The roll was then called for the election of county judge for Caroline, with the following result :

For Walter G. Hudgin,

28

Senators who voted for Mr. Hudgin, are—Messrs. Anderson of Pennsylvania, Anderson of Rockbridge, Beazley, Boykin, Fitzpatrick, French, Greever, Grimsley, Herndon, Holladay, Hundley, Johnson, Kirkpatrick,

Lackland, Lewis, Massey, Patterson, Penn, Quesenberry, Rixey, Roller, Smith, Taylor of Loudoun, Taylor of Norfolk city, Terry, Thomas, Ward, and Wynne—28.

The roll was then called for the election of county judge for Chesterfield, with the following result :

For Wm. I. Clopton,	-	-	-	-	31
For Wm. F. Worthington,	-	-	-	-	1
For Edmd. W. Massey,	-	-	-	-	1

Senators who voted for Mr. Clopton, are—Messrs. Anderson of Pennsylvania, Anderson of Rockbridge, Beazley, Boykin, Connally, Fitzpatrick, French, Greever, Grimsley, Herndon, Holliday, Hundley, Johnson, Kirkpatrick, Lackland, Lewis, Martin, Meem, Patterson, Penn, Pridemore, Quesenberry, Rixey, Roller, Smith, Taylor of Loudoun, Taylor of Norfolk city, Terry, Thomas, Ward, and Wynne—31.

Senator who voted for Mr. Worthington, is—Mr. Massey—1.

Senator who voted for Mr. Massey, is—Mr. Robinson—1.

The roll was then called for the election of county judge for Dinwiddie, with the following result :

For Joseph S. Budd,	-	-	-	-	30
For David G. Carr,	-	-	-	-	1

Senators who voted for Mr. Budd, are—Messrs. Anderson of Pennsylvania, Anderson of Rockbridge, Beazley, Boykin, Connally, Fitzpatrick, French, Greever, Grimsley, Herndon, Holladay, Hundley, Johnson, Kirkpatrick, Lackland, Lewis, Meem, Patterson, Penn, Pridemore, Quesenberry, Rixey, Roller, Smith, Taylor of Loudoun, Taylor of Norfolk city, Terry, Thomas, Ward, and Wynne—30.

Senator who voted for Mr. Carr, is—Mr. Massey—1.

The roll was then called for the election of county judge for Fluvanna, with the following result :

For Wm. R. Cocke,	-	-	-	-	29
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Senators who voted for Mr. Cocke, are—Messrs. Anderson of Pennsylvania, Anderson of Rockbridge, Beazley, Boykin, Connally, Fitzpatrick, French, Greever, Grimsley, Holladay, Hundley, Johnson, Kirkpatrick, Lackland, Lewis, Meem, Patterson, Penn, Pridemore, Quesenberry, Rixey, Roller, Smith, Taylor of Loudoun, Taylor of Norfolk city, Terry, Thomas, Ward, and Wynne—29.

The roll was then called for the election of county judge for Franklin, with the following result :

For Thomas H. Bernard,	-	-	-	-	30
For James Patterson,	-	-	-	-	1

Senators who voted for Mr. Bernard, are—Messrs. Anderson of Pennsylvania, Anderson of Rockbridge, Beazley, Boykin, Connally, Fitzpatrick, French, Greever, Grimsley, Herndon, Holladay, Hundley, Johnson, Kirkpatrick, Lackland, Lewis, Meem, Patterson, Penn, Pridemore, Quesenberry, Rixey, Roller, Smith, Taylor of Loudoun, Taylor of Norfolk city, Terry, Thomas, Ward, and Wynne—30.

Senator who voted for Mr. Patterson, is—Mr. Massey.

The President appointed Messrs. Patterson and Massey a committee on the part of the Senate to meet a similar committee on the part of the

House of Delegates, and count the joint vote for the persons voted for, for the office of county judge of each of the five preceding judicial districts.

The committee reported through their chairman, Mr. Patterson, as follows:

For county judge of Caroline :					
Whole number of votes cast,	-	-	-	-	109
Necessary to a choice,	-	-	-	-	55
Of which Walter G. Hudgin received,	-	-	-	-	109
For county judge of Chesterfield :					
Whole number of votes cast,	-	-	-	-	114
Necessary to a choice,	-	-	-	-	58
Of which Wm. I. Clopton received,	-	-	-	-	112
Wm. F. Worthington received,	-	-	-	-	1
E. W. Massey received,	-	-	-	-	1
For county judge of Dinwiddie :					
Whole number of votes cast,	-	-	-	-	118
Necessary to a choice,	-	-	-	-	60
Of which Joseph S. Budd received,	-	-	-	-	117
David G. Carr received,	-	-	-	-	1
For county judge of Fluvanna :					
Whole number of votes cast,	-	-	-	-	113
Necessary to a choice,	-	-	-	-	57
Of which Wm. R. Cocke received,	-	-	-	-	113
For county judge of Franklin :					
Whole number of votes cast,	-	-	-	-	111
Necessary to a choice,	-	-	-	-	56
Of which Thos. H. Bernard received,	-	-	-	-	110
Jas. Patterson received,	-	-	-	-	1

Walter G. Hudgin, Wm. I. Clopton, Joseph S. Budd, Wm. P. Cocke, and Thos. H. Bernard, having each received a majority of all the votes cast, were severally declared duly elected county judges for their respective counties for the constitutional term of that office, commencing on the 1st of January, 1874.

A message was received from the House of Delegates by Mr. Wall, who informed the Senate that in the further execution of the joint order, the following gentlemen had been placed in nomination in that House for the office of county judge, viz :

- For the county of Frederick—Joseph H. Sherrard.
- For the county of Goochland—Isaac W. Pleasants.
- For the county of Hanover—Saml. C. Redd.
- For the county of Henrico—E. C. Minor.
- For the county of Amherst—Saml. H. Henry.

On motion of Mr. Ward, it was

Ordered, That he inform the House of Delegates that no additional nominations had been made in the Senate.

The roll was then called for the election of county judge for Frederick, with the following result:

- | | | | | | |
|-------------------------|---|---|---|---|----|
| For Joseph H. Sherrard, | - | - | - | - | 27 |
| 51 | | | | | |

Senators who voted for Mr. Sherrard, are—Messrs. Anderson of Pittsylvania, Anderson of Rockbridge, Beazley, Boykin, Connally, Fitzpatrick, French, Greever, Grimsley, Herndon, Holladay, Hundley, Kirkpatrick, Lackland, Lewis, Meem, Penn, Pridemore, Quesenberry, Rixey, Roller, Smith, Taylor of Loudoun, Taylor of Norfolk city, Terry, Ward, and Wynne—27.

The roll was then called for the election of county judge of Goochland, with the following result :

For Isaac W. Pleasants,	-	-	-	26
For John C. James,	-	-	-	1

Senators who voted for Mr. Pleasants, are—Messrs. Anderson of Pittsylvania, Anderson of Rockbridge, Beazley, Boykin, Connally, Fitzpatrick, French, Greever, Grimsley, Herndon, Holladay, Hundley, Johnson, Lackland, Lewis, Meem, Penn, Pridemore, Quesenberry, Rixey, Smith, Taylor of Loudoun, Taylor of Norfolk city, Terry, Ward, and Wynne—26.

Senator who voted for Mr. James, is—Mr. Roller.

The roll was then called for the election of county judge of Hanover, with the following result :

For Saml. C. Redd,	-	-	-	27
For John Page,	-	-	-	1

Senators who voted for Mr. Redd, are—Messrs. Anderson of Pittsylvania, Anderson of Rockbridge, Beazley, Boykin, Connally, Fitzpatrick, French, Greever, Herndon, Holladay, Hundley, Johnson, Kirkpatrick, Lackland, Lewis, Meem, Patterson, Penn, Quesenberry, Rixey, Roller, Smith, Taylor of Loudoun, Taylor of Norfolk city, Terry, Ward, and Wynne—27.

Senator who voted for Mr. Page, is—Mr. Massey.

The roll was then called for the election of county judge of Henrico, with the following result :

For E. C. Minor,	-	-	-	28
For Normand Smith,	-	-	-	1

Senators who voted for Mr. Minor, are—Messrs. Anderson of Pittsylvania, Anderson of Rockbridge, Beazley, Boykin, Connally, Fitzpatrick, French, Greever, Grimsley, Herndon, Holladay, Hundley, Johnson, Kirkpatrick, Lackland, Lewis, Meem, Patterson, Penn, Pridemore, Quesenberry, Rixey, Roller, Smith, Taylor of Loudoun, Terry, Ward, and Wynne—28.

Senator who voted for Mr. Smith, is—Mr. Massey.

The roll was then called for the election of county judge of Amherst, with the following result :

For Saml. H. Henry,	-	-	-	29
For Robert A. Coghill,	-	-	-	1

Senators who voted for Mr. Henry, are—Messrs. Anderson of Pittsylvania, Anderson of Rockbridge, Beazley, Boykin, Connally, Fitzpatrick, French, Greever, Grimsley, Herndon, Holladay, Hundley, Johnson, Kirkpatrick, Lackland, Lewis, Meem, Patterson, Perrin, Pridemore, Quesenberry, Rixey, Roller, Smith, Taylor of Loudoun, Taylor of Norfolk city, Terry, Ward, and Wynne—29.

Senator who voted for Mr. Coghill, is—Mr. Massey.

The President appointed Messrs. Boykin and Massey a committee on the part of the Senate to meet a similar committee on the part of the House of Delegates, and count the joint vote for the persons voted for, for the office of county judge of each of the five preceding judicial districts.

The committee reported through their chairman, Mr. Boykin, as follows:

For county judge of Frederick :

Whole number of votes cast,	-	-	-	109
Necessary to a choice,	-	-	-	55
Of which Joseph H. Sherrard received,	-	-	-	109

For county judge of Goochland :

Whole number of votes cast,	-	-	-	108
Necessary to a choice,	-	-	-	55
Of which Isaac W. Pleasants received,	-	-	-	107
John C. James received	-	-	-	1

For county judge of Hanover :

Whole number of votes cast,	-	-	-	109
Necessary to a choice,	-	-	-	55
Of which Saml. C. Redd received,	-	-	-	108
John Page received,	-	-	-	1

For county judge of Henrico :

Whole number of votes cast,	-	-	-	110
Necessary to a choice,	-	-	-	56
Of which E. C. Minor received,	-	-	-	109
Normand Smith received,	-	-	-	1

For county judge of Amherst :

Whole number of votes cast,	-	-	-	108
Necessary to a choice,	-	-	-	55
Of which Saml. H. Henry received,	-	-	-	107
Robert A. Coghill received,	-	-	-	1

Joseph H. Sherrard, Isaac W. Pleasants, Saml. C. Redd, E. C. Minor, and Saml. H. Henry, having each received a majority of all the votes cast, were severally declared duly elected county judges for their respective counties for the constitutional term of that office, commencing on the 1st of January, 1874.

A message was received from the House of Delegates by Mr. Lawson, who informed the Senate that in the further execution of the joint order, the following gentlemen had been placed in nomination in that House for the office of county judge, viz :

For the county of Botetourt—Wm. B. Simmons.

For the county of Essex—Muscoe Garnett.

For the counties of Greenesville and Sussex—W. S. Goodwyn.

For the county of Henry—Saml. J. Mullins.

For the county of Isle of Wight—George R. Atkinson.

On motion of Mr. Anderson of Pittsylvania, it was

Ordered, That he inform the House of Delegates that no additional nominations had been made in the Senate.

The roll was then called for the election of county judge for Botetourt, with the following result:

For Wm. B. Simmons, - - - - - 22

Senators who voted for Mr. Simmons, are—Messrs. Anderson of Pittsylvania, Anderson of Rockbridge, Beazley, Fitzpatrick, French, Greever, Grimsley, Herndon, Johnson, Kirkpatrick, Lewis, Patterson, Penn, Perrin, Pridemore, Quesenberry, Roller, Smith, Taylor of Loudoun, Taylor of Norfolk city, Terry, and Ward—22.

The roll was then called for the election of county judge for Essex, with the following result:

For Muscoe Garnett, - - - - - 29

For Watson R. Wentworth, - - - - - 1

Senators who voted for Mr. Garnett, are—Messrs. Anderson of Pittsylvania, Anderson of Rockbridge, Beazley, Boykin, Fitzpatrick, French, Greever, Grimsley, Herndon, Holladay, Hundley, Johnson, Kirkpatrick, Lackland, Lewis, Meem, Patterson, Penn, Perrin, Pridemore, Quesenberry, Rixey, Roller, Smith, Taylor of Loudoun, Taylor of Norfolk city, Terry, Ward, and Wynne—29.

Senator who voted for Mr. Wentworth, is—Mr. Stevens—1.

The roll was then called for the election of county judge for the district composed of the counties of Greenesville and Sussex, with following result:

For W. S. Goodwyn, - - - - - 26

Senators who voted for Mr. Goodwyn, are—Messrs. Anderson of Pittsylvania, Beazley, Boykin, Fitzpatrick, French, Greever, Grimsley, Herndon, Holladay, Hundley, Johnson, Kirkpatrick, Lackland, Lewis, Meem, Patterson, Perrin, Pridemore, Quesenberry, Rixey, Roller, Smith, Taylor of Loudoun, Taylor of Norfolk city, Terry, Ward, and Wynne—26.

The roll was then called for the election of county judge for Henry, with the following result:

For Saml. J. Mullins, - - - - - 28

Senators who voted for Mr. Mullins, are—Messrs. Anderson of Pittsylvania, Anderson of Rockbridge, Beazley, Boykin, Fitzpatrick, French, Greever, Grimsley, Herndon, Holladay, Hundley, Johnson, Kirkpatrick, Lackland, Lewis, Meem, Patterson, Penn, Perrin, Pridemore, Quesenberry, Rixey, Roller, Taylor of Loudoun, Taylor of Norfolk city, Terry, Ward, and Wynne—28.

The roll was then called for the election of county judge for Isle of Wight, with the following result:

For George R. Atkinson, - - - - - 27

Senators who voted for Mr. Atkinson, are—Messrs. Anderson of Pittsylvania, Anderson of Rockbridge, Beazley, Boykin, Fitzpatrick, French, Greever, Grimsley, Herndon, Holladay, Hundley, Johnson, Kirkpatrick, Lackland, Lewis, Meem, Patterson, Perrin, Pridemore, Quesenberry, Rixey, Roller, Taylor of Loudoun, Taylor of Norfolk city, Terry, Ward, and Wynne—27.

The President appointed Messrs. Taylor of Loudoun and Martin a committee on the part of the Senate to meet a similar committee on the part of the House of Delegates, and count the joint vote for the persons

voted for, for the office of county judge of each of the five preceding judicial districts.

The committee reported through their chairman, Mr. Taylor of Loudoun, as follows:

For county judge of Botetourt :				
Whole number of votes cast,	-	-	-	98
Necessary to a choice,	-	-	-	50
Of which Wm. B. Simmons received,	-	-	-	98
For county judge of Essex :				
Whole number of votes cast,	-	-	-	113
Necessary to a choice,	-	-	-	57
Of which Moscoe Garnett received,	-	-	-	112
Watson R. Wentworth received,	-	-	-	1
For county judge of Greeneville and Sussex :				
Whole number of votes cast,	-	-	-	102
Necessary to a choice,	-	-	-	52
Of which W. S. Goodwyn received,	-	-	-	102
For county judge of Henry :				
Whole number of votes cast,	-	-	-	105
Necessary to a choice,	-	-	-	53
Of which Samuel J. Mullins received,	-	-	-	105
For county judge of Isle of Wight :				
Whole number of votes cast,	-	-	-	103
Necessary to a choice,	-	-	-	52
Of which George R. Atkinson received,	-	-	-	103

Wm. B. Simmons, Muscoe Garnett, W. B. Goodwyn, Sam'l. J. Mullins, and George R. Atkinson, having each received a majority of all the votes cast, were severally declared duly elected county judges for their respective counties for the constitutional term of that office, commencing on the 1st of January, 1874.

Mr. Stevens offered the following joint resolution :

Resolved (the House of Delegates concurring), That the further execution of the joint order, having for its object the election of county judges, be postponed till to-morrow at twelve o'clock.

The question on agreeing to the resolution, being put, was determined in the affirmative.

A message was received from the House of Delegates by Mr. Anderson, who informed the Senate that in the further execution of the joint order, the following gentlemen had been placed in nomination in that House for the office of county judge, viz :

- For the counties of King & Queen and King William—Wm. J. H. C. Jones.
- For the counties of King George and Stafford—J. B. Jett.
- For the county of Louisa—E. H. Lane.
- For the county of Norfolk—L. R. Watts.
- For the counties of Northumberland and Lancaster—Samuel L. Straughan.

On motion of Mr. Patterson, it was

Ordered That he inform the House of Delegates that no additional

nominations had been made in the Senate.

The roll was then called for the election of a county judge for the district composed of the counties of King & Queen and King William, with the following result:

For J. H. C. Jones,	- - - - -	25
For E. W. Massey,	- - - - -	1

Senators who voted for Mr. Jones, are—Messrs. Anderson of Pittsylvania, Anderson of Rockbridge, Beazley, Boykin, Fitzpatrick, French, Greever, Grimsley, Herndon, Holladay, Hundley, Johnson, Kirkpatrick, Lackland, Lewis, Meem, Patterson, Perrin, Pridemore, Quesenberry, Rixey, Roller, Taylor of Norfolk city, Terry, and Wynne—25.

Senator who voted for Mr. Massey is—Mr. Robinson—1.

The roll was then called for the election of county judge for the district composed of the counties of King George and Stafford, with the following result:

For J. B. Jett,	- - - - -	25
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Senators who voted for Mr. Jett, are—Messrs. Anderson of Pittsylvania, Anderson of Rockbridge, Beazley, Boykin, Fitzpatrick, French, Greever, Grimsley, Herndon, Holladay, Hundley, Johnson, Lackland, Lewis, Meem, Patterson, Perrin, Pridemore, Quesenberry, Rixey, Roller, Taylor of Loudoun, Taylor of Norfolk city, Terry, and Wynne—25.

The roll was then called for the election of county judge for Louisa, with the following result:

For E. H. Lane,	- - - - -	26
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Senators who voted for Mr. Lane, are—Messrs. Anderson of Pittsylvania, Anderson of Rockbridge, Beazley, Boykin, Fitzpatrick, French, Greever, Grimsley, Herndon, Holladay, Hundley, Johnson, Lackland, Lewis, Meem, Patterson, Perrin, Pridemore, Quesenberry, Rixey, Roller, Taylor of Loudoun, Taylor of Norfolk city, Terry, Ward, and Wynne—26.

The roll was then called for the election of county judge for Norfolk county, with the following result:

For L. R. Watts,	- - - - -	27
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Senators who voted for Mr. Watts, are—Messrs. Anderson of Pittsylvania, Anderson of Rockbridge, Beazley, Boykin, Fitzpatrick, French, Greever, Grimsley, Herndon, Holladay, Hundley, Johnson, Kirkpatrick, Lackland, Lewis, Meem, Patterson, Perrin, Pridemore, Quesenberry, Rixey, Roller, Taylor of Loudoun, Taylor of Norfolk city, Terry, Ward, and Wynne—27.

The roll was then called for the election of county judge for the district composed of the counties of Northumberland and Lancaster, with the following result:

For Saml. L. Straughan,	- - - - -	27
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Senators who voted for Mr. Straughan, are—Messrs. Anderson of Pittsylvania, Anderson of Rockbridge, Beazley, Boykin, Fitzpatrick, French, Greever, Grimsley, Herndon, Holladay, Hundley, Johnson, Kirkpatrick, Lackland, Lewis, Meem, Patterson, Pridemore, Quesenberry, Rixey, Roller, Taylor of Loudoun, Taylor of Norfolk city, Terry, Ward, and Wynne—27.

The President appointed Messrs. Beazley and Perrin, a committee on the part of the Senate to meet a similar committee on the part of the House of Delegates, and count the joint vote for the persons voted for, for the office of county judge for each of the five preceding judicial districts.

The committee reported through their chairman, Mr. Beazley, as follows:

For county judge of King & Queen and King William :

Whole number of votes cast,	-	-	-	100
Necessary to a choice,	-	-	-	51
Of which J. H. C. Jones received,	-	-	-	99
E. W. Massey received,	-	-	-	1

For county judge of King George and Stafford :

Whole number of votes cast,	-	-	-	100
Necessary to a choice,	-	-	-	51
Of which J. B. Jett received,	-	-	-	100

For county judge of Louisa :

Whole number of votes cast,	-	-	-	104
Necessary to a choice,	-	-	-	53
Of which E. H. Lane received,	-	-	-	104

For county judge of Norfolk county :

Whole number of votes cast,	-	-	-	108
Necessary to a choice,	-	-	-	55
Of which L. R. Watts received,	-	-	-	108

For county judge of Northumberland and Lancaster :

Whole number of votes cast,	-	-	-	109
Necessary to a choice,	-	-	-	55
Of which Saml. L. Straughan received,	-	-	-	109

J. H. C. Jones, J. B. Jett, E. H. Lane, L. R. Watts, and Saml. L. Straughan, having each received a majority of all the votes cast, were severally declared duly elected county judges for their respective counties for the constitutional term of that office, commencing on the 1st of January, 1874.

Mr. Fitzpatrick offered the following joint resolution, which was agreed to.

Resolved (the House of Delegates concurring), That the further execution of the joint order, which has for its object the election of county judges, be postponed till to-morrow, one o'clock P. M.

On motion of Mr. Fitzpatrick, it was

Ordered, That he inform the House of Delegates thereof and request their concurrence therein.

A message was received from the House of Delegates by Mr. Bagwell, who informed the Senate that that House had agreed to the following joint resolution :

Resolved (the Senate concurring), That the further execution of the joint order, which has for its object the election of county judges, be postponed till to-morrow at twelve o'clock.

The resolution was taken up, on motion of Mr. Taylor of Loudoun, and the question being on agreeing thereto—and pending which

A message was received from the House of Delegates by Mr. Kelley, who informed the Senate that that House had agreed to the Senate joint resolution postponing the further execution of the joint order until tomorrow, with an amendment.

The Senate joint resolution was taken up, and the amendment proposed by the House, was agreed to.

On motion of Mr. Patterson, it was

Ordered, That he inform the House of Delegates thereof.

Mr. Lackland offered the following resolutions:

1st. Resolved, That when the Senate adjourns to-day, it adjourn to meet at eight o'clock P. M., and that such be the order hereafter.

2d. That each night, upon the assembling of the Senate, the roll be called, and each Senator, when his name is called, shall have the privilege of calling up one bill.

Mr. Taylor of Loudoun offered the following as a substitute for said resolutions:

Resolved, That when the Senate adjourns to-day, it adjourn to meet to-morrow at half past ten o'clock.

The question being on agreeing to the said substitute,

Mr. Hundley moved to amend the substitute by adding to the same the following:

"And that each morning, upon the assembling of the Senate, the roll be called, and each Senator, when his name is called, shall have the privilege of calling up one bill"—when

Mr. Fitzpatrick made an unsuccessful motion to adjourn, on division—ayes 12, noes 12.

The question recurring on the adoption of the amendment, Mr. Hern-don made an unsuccessful motion to adjourn, on division—ayes 11, noes 12.

The question being put on the amendment proposed by Mr. Hund-ley to the substitute of Mr. Taylor of Loudoun, was determined in the negative.

The question was then put, on the adoption of the substitute proposed by Mr. Taylor of Loudoun, and determined in the negative, on division—ayes 11, noes 13.

The question recurring on the adoption of the resolutions offered by Mr. Lackland,

Mr. Kirkpatrick make an unsuccessful motion to adjourn, on division—ayes 12, noes 12.

The question again recurring on the adoption of the resolutions offered by Mr. Lackland,

Mr. French offered the following resolution as a substitute for the same:

Resolved, That when the Senate adjourns, it adjourn to meet at eight o'clock to-night—whereupon

Mr. Greever move, that the Senate adjourn, and the question being put on agreeing thereto, was determined in the negative, on division—ayes 13, noes 13.

The question recurring on the adoption of the resolution offered by

Mr. French as a substitute for the resolutions offered by Mr. Lackland, and being put, was determined in the affirmative—ayes 13, noes 11.

On motion of Mr. Taylor of Loudoun, the vote was recorded as follows:

Ayes—Messrs. Anderson of Rockbridge, Beazley, French, Holladay, Hundley, Lackland, Meem, Penn, Perrin, Pridemore, Quesenberry, Smith, and Taylor of Loudoun—13.

Noes—Messrs. Anderson of Pittsylvania, Fitzpatrick, Greever, Herndon, Johnson, Kirkpatrick, Lewis, Martin, Norton, Stevens, and Thomas—11.

Mr. Anderson of Rockbridge, by leave, presented

No. 331, A bill to incorporate the Oakland Institute at Doe Hill, Highland county; Virginia, which, on his motion, was read the first and ordered to be read a second time.

Mr. Anderson of Rockbridge, by leave, presented

No. 332, A bill to incorporate the Rockbridge McAdam Road Company; which was read the first and ordered to be read a second time.

On motion of Mr. Stevens,

Report of the select committee, appointed to investigate charges against the officers of the Central Lunatic Asylum, together with the evidence taken before the committee, was ordered to be printed. (Doc. No. 18.)

On motion of Mr. Lewis, the Senate adjourned until eight o'clock to-night.

EVENING SESSION.

Mr. Thomas, president pro tempore, in the chair.

Mr. Taylor of Loudoun, by leave, presented

No. 333, A bill to authorize the judge of the eleventh judicial circuit to certify certain claims for services as experts in the trial of a case of murder in the county of Loudoun; which, on his motion, was read the first, and ordered to be read a second time, and referred to the committee for courts of justice.

No. 310, Senate bill in reference to certain bonds and recognizances, was taken up, and, on motion of Mr. Penn (by general consent), was amended, and as amended was passed with its title.

Ordered, That the clerk inform the House of Delegates thereof and request their concurrence therein.

No. 276, Senate bill to provide for the publication, distribution, and sale of Commodore Maury's second report upon the resources of Virginia, and the map accompanying the same, was taken up, read the third time; and the question on the passage thereof being put, was determined (for want of a constitutional majority) in the negative—ayes 15, noes 8.

The vote was recorded as follows:

Ayes—Messrs. Anderson of Pittsylvania, Anderson of Rockbridge, Beazley, Boykin, Connally, French, Grimsley, Herndon, Kirkpatrick, Meem, Perrin, Quesenberry, Roller, Terry, and Thomas—15.

Noes—Messrs. Fitzpatrick, Greever, Hundley, Martin, Norton, Nowlin, Penn, and Taylor of Loudoun—8.

On motion of Mr. Fitzpatrick, the vote by which the bill was rejected was reconsidered, and, on his further motion, the bill was laid on the table.

No. 257, Senate bill for the governing of warehouses, and the issuing of warehouse receipts, was taken up, read the third time—when

Mr. Quesenberry moved to lay the bill on the table; and the question being put thereon, was determined in the negative—ayes 13, noes 15.

On motion of Mr. Fitzpatrick, the vote was recorded as follows:

Ayes—Messrs. Anderson of Pittsylvania, Beazley, French, Graham, Greever, Grimsley, Hundley, Lackland, Pridemore, Quesenberry, Rixey, Roller, and Thomas—13.

Noes—Messrs. Anderson of Rockbridge, Boykin, Connally, Fitzpatrick, Herndon, Kirkpatrick, Lewis, Martin, Meem, Penn, Perrin, Taylor of Loudoun, Taylor of Norfolk city, Terry, and Wynne—15.

The question being on the passage of the bill,

Mr. Penn demanded the pending question, which was ordered; and being put, was determined in the affirmative—ayes 15, noes 13.

On motion of Mr. Hundley, the vote was recorded as follows:

Ayes—Messrs. Anderson of Rockbridge, Boykin, Connally, Fitzpatrick, Herndon, Kirkpatrick, Lewis, Martin, Meem, Penn, Perrin, Rixey, Taylor of Loudoun, Taylor of Norfolk city, and Wynne—15.

Noes—Messrs. Anderson of Pittsylvania, Beazley, French, Graham, Greever, Grimsley, Hundley, Lackland, Pridemore, Quesenberry, Roller, Terry and Thomas—18.

The title of the bill was then agreed to.

No. 306, Senate bill to amend and re-enact the 1st, 2d, 3d, 4th and 8th sections of an act entitled an act to amend the charter of the Richmond and Lynchburg Railroad Company, approved July 11th, 1870, so as to change the name of said company, and extend the time within which it may commence and complete the said railroad, was taken up, read the third time and passed with its title.

No. 307, Senate bill to amend and re-enact the act approved March 21st, 1872, to fix the times for holding the circuit courts of the State, was taken up, read the third time, and having (by general consent), been amended, on motions of Messrs. Taylor of Loudoun, and Roller, was, as amended, passed with its title.

No. 309, Senate bill to amend and re-enact sections 5 and 7 of an act to regulate and define the jurisdiction of the county and circuit courts, to prescribe the number of terms of the circuit court, and to fix the pay of county judges, was taken up, read the third time and passed with its title.

Ordered, That the clerk inform the House of Delegates of the passage of the four preceding bills and request their concurrence therein.

No. 123, House bill entitled an act to authorize the county school board of Elizabeth City county, to borrow money for the purpose of erecting a high school in the town of Hampton, was taken up, and the

amendments proposed by the committee on public institutions were agreed to; and the bill as amended, was read the third time and passed with its title.

Ordered, That the clerk inform the House of Delegates thereof, and request their concurrence in the amendments.

No. 195, House bill entitled an act to amend and re-enact the 7th section of the 170th chapter of the Code of 1860, in relation to the service of process or notice to a corporation, was taken up, read the third time and passed with its title.

Ordered, That the clerk inform the House of Delegates thereof.

No. 109, House bill entitled an act to incorporate the New York, Norfolk and Charleston Railway Company, was taken up, read the third time, and, on motion of Mr. Taylor of Norfolk city, was laid on the table.

No. 197, Senate bill for the relief of Wm. M. McGruder, James Gilman, Wm. C. Moncure, and others, was taken up, read the second, and ordered to be engrossed and read a third time.

No. 287, Senate bill to amend and re-enact sections 6, 8, and 9 of chapter 90 of Code of 1860, in relation to weighing and selling live stock, was taken up, read the second, and on motion of Mr. Taylor of Loudoun, was laid on the table.

No. 230, Senate bill to repeal the provisions of the insurance deposit law so far as regards foreign companies doing exclusively a marine business, was taken up, on motion of Mr. Taylor of Norfolk, and the substitute proposed by the committee on general laws was adopted. The bill as amended, was ordered to be engrossed and read a third time.

On motion of Mr. Roller,

Resolved, That the committee for courts of justice be instructed to enquire into the expediency of amending the 13th section of chapter 184 of the Code of Virginia (edition of 1860), so as to allow to a sheriff or other officer full commissions when, in any case, after he makes distress or levy, the debtor pays off and discharges the debt distrained or levied for to the plaintiff or his attorney.

No. 260, Senate bill to amend and re-enact an act passed December 19th, 1866, entitled an act authorizing the Southwestern Virginia Mining, Smelting and Transportation Company to construct a railroad from King's Salt Works to a point on the Virginia and Tennessee railroad, at or near Dublin, was taken up, and having been (by general consent), amended, on motion of Mr. Kirkpatrick, was passed with its title.

Ordered, That the clerk inform the House of Delegates thereof, and request their concurrence therein.

No. 261, Senate bill to authorize the sureties of J. C. Robertson, late sheriff of Page county, to discharge the judgments against them in favor of the Commonwealth with the bonds of the Commonwealth, was taken up, on motion of Mr. Meem, read the second, and ordered to be engrossed and read a third time.

No. 312, Senate bill to incorporate the Agricultural and Industrial Association of Alexandria, Virginia, was taken up, on motion of Mr. Taylor of Loudoun, read the second, and ordered to be engrossed and read a third time.

Joint resolutions proposing an amendment to section 6 of article 5 of the Constitution of Virginia, in relation to the powers and duties of the General Assembly for publishing said amendment and certifying the same to the next General Assembly, was taken up, and read the second time—when

Mr. Kirkpatrick moved to adjourn; and the question being put thereon, was determined in the negative, on division—ayes 12, noes 12.

Mr. Taylor of Loudoun moved to lay the resolutions on the table, and the question being thereon, was determined in the negative.

The question being on ordering the resolutions to their engrossment and third reading,

Mr. Kirkpatrick moved that the Senate adjourn; and the question being put thereon, was determined in the affirmative—ayes 13, noes 11.

On motion of Mr. Martin, the vote was recorded as follows:

Ayes—Messrs. Anderson of Pittsylvania, Beazley, Boykin, Kirkpatrick, Lewis, Martin, Meem, Penn, Perrin, Quesenberry, Stevens, Taylor, of Loudoun, and Terry—13.

Noes—Messrs. Anderson of Rockbridge, French, Greever, Hundley, Lackland, Norton, Pridemore, Roller, Smith, Thomas, and Wynne—11.

The Chair announced the Senate adjourned until to morrow, eleven o'clock.

SATURDAY, MARCH 22, 1873.

Mr. Thomas, President pro tempore, in the chair.

A communication from the House of Delegates, by their clerk, was read as follows:

In House of Delegates, March 21, 1873.

The House of Delegates have passed Senate bill entitled an act in relation to the records of Alexandria county, No. 301.

And have passed House bill entitled an act to amend the 1st, 4th, and 7th sections of an act entitled an act to incorporate the Burkeville, Lunenburg and Mecklenburg Railroad Company, approved November 5th, 1870, No. 319; in which bill they respectfully request the concurrence of the Senate.

No. 319, House bill entitled an act to amend the 1st, 4th, and 7th sections of an act entitled an act to incorporate the Burkeville, Lunenburg and Mecklenburg Railroad Company, approved November 5th, 1870, was taken up, twice read, and referred to the committee on roads and internal navigation.

Mr. Fitzpatrick, from the committee for courts of justice, reported without amendment,

No. 333, Senate bill to authorize the judge of the 11th judicial circuit to certify certain claims for services as experts in the trial of a case of murder in the county of Loudoun.

And he, from the same committee, reported without amendment,

No. 323, Senate bill to allow judges of certain corporation or hustings courts to practice law.

Mr. Johnson, from the committee on finance, reported with an amendment,

No. 334, House bill entitled an act to extend the time within which Wm. W. Phelps, late sheriff of Wythe county, may collect taxes, &c.

Mr. Greene, by leave, presented

No. 334, A bill to authorize the county of Surry to borrow money to rebuild the jail recently destroyed by fire; which, on his motion, was read the first, and ordered to be read a second time.

Mr. Kirkpatrick moved that Mr. Cochran, who was absent from the city, be excused from further service on the committee of conference on the disagreeing votes of the two Houses on House bill No. 159, in relation to the interest on money or other thing, and that another be appointed in his place; which was agreed to.

The chair appointed Mr. Fitzpatrick in place of Mr. Cochran on said committee.

On motion of Mr. Kirkpatrick, the said committee was granted leave to sit during the session of the Senate.

No. 222, Senate bill to amend and re-enact the 2nd and 3rd sections of an act approved March 30th, 1871, entitled an act to provide for the funding and payment of the public debt, was taken up, on motion of Mr. Fitzpatrick, and the amendment heretofore offered by Mr. Kirkpatrick and pending when the bill was laid on the table, was withdrawn, and the bill as amended was ordered to be engrossed and read a third time.

No. 315, Senate bill in relation to actions in detinue, was taken up, on motion of Mr. Lackland, read the second, and ordered to be engrossed and read a third time.

No. 269, Senate bill to amend and re-enact section 14, chapter 177 of the Code of 1860, in relation to interest, was taken up, and read the third time—when

Mr. Meem moved to postpone the further consideration of the bill, with a view to proceeding to the consideration of bills on their second reading; and the question being put thereon, was determined in the negative, on division—ayes 11, noes 16.

The question recurring on the passage of the bill,

Mr. Quesenberry demanded the pending question, which was ordered; and being put, was determined in the affirmative—ayes 18, noes 13.

On motion of Mr. Quesenberry, the vote was recorded as follows:

Ayes—Messrs. Fitzpatrick, French, Graham, Greene, Greever, Grimsley, Hundley, Lackland, Martin, Massey, Norton, Nowlin, Patterson, Quesenberry, Rixey, Roller, Ward, and Wynne—18.

Noes—Messrs. Anderson of Pittsylvania, Beazley, Boykin, Herndon, Johnson, Kirkpatrick, Meem, Perrin, Pridemore, Taylor of Loudoun, Taylor of Norfolk city, Terry, and Thomas—13.

The title was then agreed to.

On motion of Mr. Quesenberry, it was

Ordered, That he inform the House of Delegates thereof and request their concurrence therein.

No. 197, Senate bill for the relief of Wm. M. McGruder, James Gilman, Wm. C. Moncure, and others, was taken up, read the third time, and the question on the passage thereof being put, was determined in the affirmative—ayes 23, noes 3.

The vote was recorded as follows:

Ayes—Messrs. Anderson of Pittsylvania, Anderson of Rockbridge, Beazley, Boykin, French, Graham, Greene, Greever, Grimsley, Hershdon, Johnson, Massey, Meem, Nowlin, Patterson, Perrin, Quesenberry, Rixey, Roller, Taylor of Loudoun, Terry, Thomas, and Wynne—23.

Noes—Messrs. Martin, Norton, and Pridemore—3.

The title of the bill was then agreed to.

Ordered, That the clerk inform the House of Delegates thereof and request their concurrence therein.

No. 261, Senate bill to authorize the sureties of J. C. Robinson, late sheriff of Page county, to discharge the payment against them in favor of the Commonwealth with the bonds of the Commonwealth, was taken up, read the third time, and, on motion of Mr. Meem, laid on the table.

No. 230, Senate bill to amend the 1st section of an act approved March 25th, 1871, entitled an act to amend and re-enact the 1st and 2nd sections of an act passed February 3rd, 1866, entitled an act to require a deposit of securities to be made by foreign insurance companies doing business in this State, was taken up, read the third time and passed with its title.

On motion of Mr. Nowlin, it was

Ordered, That he inform the House of Delegates thereof and request their concurrence therein.

No. 312, Senate bill to incorporate the Agricultural and Industrial Association of Alexandria, Virginia, was taken up, read the third time and passed with its title.

Ordered, That the clerk inform the House of Delegates thereof and request their concurrence therein.

No. 334, House bill entitled an act to extend the time within which William W. Phelps, late sheriff of Wythe county, may collect taxes, &c., was taken up, and the question being on agreeing to the amendment proposed by the committee on finance, which is in these words: Strike out, in the 4th line, the words “eighteen hundred and sixty-five, eighteen hundred and sixty-six.”

Mr. Lackland moved to amend said amendment by adding at the end thereof the words “eighteen hundred and sixty-seven;” and the question on agreeing thereto—pending which,

On motion of Mr. Nowlin, the bill was laid on the table.

A message was received from the House of Delegates by Mr. Lovenstein, who informed the Senate that that House had agreed to the following joint resolution:

Resolved (the Senate concurring), That the General Assembly, in the further execution of the joint order, having for its object the election of county judges, proceed in the following order: Shenandoah, Nanse-

mond, James City, York and city of Williamsburg; Gloucester, Madison, and Greene; Lee, Southampton, Elizabeth City, and Warwick; Cumberland and Powhatan; Carroll, Bath, and Highland; Fauquier and Spotsylvania.

The resolution was subsequently taken up, and the question on agreeing thereto being put, was determined in the affirmative.

On motion of Mr. Nowlin, it was

Ordered, That he inform the House of Delegates thereof.

A message was received from the House of Delegates by Mr. Taliaferro, who informed the Senate that that House was ready on its part to proceed to the execution of the joint order of the day, having for its object the election of county judges.

On motion of Mr. Nowlin, it was

Ordered, That he inform the House of Delegates that the Senate is ready on its part to proceed to the execution of the joint order.

A message was received from the House of Delegates by Mr. Taliaferro, who informed the Senate that in the execution of the joint order the following gentlemen had been placed in nomination in that House for the office of county judge, viz:

For the county of Orange—Wm. G. Williams.

For the county of Patrick—Samuel G. Staples.

For the county of Pittsylvania—James D. Coles.

For the county of Prince Edward—F. N. Watkins.

For the counties of Prince George and Surry—P. B. Batte.

On motion of Mr. Grimsley, it was

Ordered, That he inform the House of Delegates that no additional nominations had been made in the Senate.

The roll was then called for the election of county judge for Orange, with the following result:

For Wm. G. Williams,	22
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Senators who voted for Mr. Williams, are—Messrs. Anderson of Pittsylvania, Anderson of Rockbridge, Beazley, Boykin, Fitzpatrick, French, Greever, Grimsley, Herndon, Hundley, Johnson, Lackland, Lewis, Meem, Pridemore, Quesenberry, Rixey, Roller, Taylor of Loudoun, Terry, Thomas, and Ward—22.

The roll was then called for the election of county judge for Patrick, with the following result:

For Samuel G. Staples,	22
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For John E. Penn,	1
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Senators who voted for Mr. Staples, are—Messrs. Anderson of Pittsylvania, Anderson of Rockbridge, Beazley, Boykin, Fitzpatrick, French, Greever, Grimsley, Herndon, Hundley, Johnson, Kirkpatrick, Lackland, Lewis, Meem, Pen:, Pridemore, Quesenberry, Roller, Taylor of Loudoun, Taylor of Norfolk city, and Ward—22.

Senator who voted for Mr. Penn, is—Mr. Massey—1.

The roll was then called for the election of county judge for Pittsylvania, with the following result:

For James D. Coles,	22
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For M. H. Clarke,	1
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Senators who voted for Mr. Coles, are—Messrs. Anderson of Pittsylvania, Anderson of Rockbridge, Beazley, Boykin, Fitzpatrick, French, Greever, Grimsley, Herndon, Hundley, Johnson, Lackland, Lewis, Meem, Nowlin, Pridemore, Quesenberry, Rixey, Roller, Taylor of Loudoun, Taylor of Norfolk city, and Ward—22.

Senator who voted for Mr. Clarke, is—Mr. Massey—1.

The roll was then called for the election of county judge of Prince Edward, with the following result:

For F. N. Watkins,	-	-	-	-	21
For Dr. Jargenson,	-	-	-	-	1

The Senators who voted for Mr. Watkins, are—Messrs. Anderson of Pittsylvania, Anderson of Rockbridge, Beazley, Fitzpatrick, French, Greever, Herndon, Hundley, Johnson, Kirkpatrick, Lackland, Lewis, Meem, Nowlin, Pridemore, Quesenberry, Rixey, Roller, Taylor of Loudoun, Taylor of Norfolk city, and Ward—21.

Senator who voted for Dr. Jargenson, is—Mr. Massey—1.

The roll was then called for the election of county judge for the district composed of the counties of Prince George and Surry, with the following result:

For B. P. Batte,	-	-	-	-	25
For C. F. Ramsdell,	-	-	-	-	*1

Senators who voted for Mr. Batte, are—Messrs. Anderson of Pittsylvania, Anderson of Rockbridge, Beazley, Boykin, Fitzpatrick, French, Greever, Herndon, Hundley, Johnson, Kirkpatrick, Lackland, Lewis, Martin, Meem, Nowlin, Perrin, Pridemore, Quesenberry, Rixey, Roller, Taylor of Loudoun, Taylor of Norfolk city, Terry, and Ward—25.

Senator who voted for Mr. Ramsdell, is—Mr. Massey—1.

The President appointed Messrs. Rixey and Massey a committee on the part of the Senate to meet a similar committee on the part of the House of Delegates, and count the joint vote for the persons voted for, for the office of county judge of each of the five preceding judicial districts.

The committee reported, through their chairman, Mr. Rixey, as follows:

For county judge of Orange:

Whole number of votes cast,	-	-	-	99
Necessary to a choice,	-	-	-	50
Of which Wm. G. Williams received	-	-	-	99

For county judge of Patrick:

Whole number of votes cast,	-	-	-	101
Necessary to a choice,	-	-	-	51
Of which Saml. G. Staples received	-	-	-	100
John E. Penn received	-	-	-	1

For county judge of Pittsylvania:

Whole number of votes cast,	-	-	-	105
Necessary to a choice,	-	-	-	53
Of which James D. Coles received	-	-	-	104
M. H. Clarke received	-	-	-	1

For county judge of Prince Edward:

Whole number of votes cast,	-	-	-	106
Necessary to a choice,	-	-	-	54
Of which F. N. Watkins received	-	-	-	105
Dr. Jargenson received	-	-	-	1

For county judge of Prince George and Surry:

Whole number of votes cast,	.	.	.	108
Necessary to a choice,	.	.	.	55
Of which P. B. Batte received	.	.	.	107
C. P. Kamsdell received	.	.	.	1

William G. Williams, Samuel G. Staples, James D. Coles, F. N. Watkins, and P. B. Batte having each received a majority of all the votes cast, were severally declared duly elected county judges for their respective counties for the constitutional term of that office, commencing on the 1st of January, 1874.

A message was received from the House of Delegates by Mr. St. John, who informed the Senate that in the further execution of the joint order the following gentlemen had been placed in nomination in that House for the office of county judge, viz:

For the county of Prince William—Aylett Nichol.

For the county of Rappahannock—J. F. Strother.

For the county of Rockbridge—J. K. Edmondson.

For the county of Scott—H. S. K. Morrison.

For the county of Smyth—Andrew P. Cole.

On motion of Mr. Terry, it was

Ordered, That he inform the House of Delegates that no additional nominations had been made in the Senate.

The roll was then called for the election of county judge for Prince William, with the following result:

For Aylett Nichol, - - - - - 22

Senators who voted for Mr. Nichol, are—Messrs. Anderson of Pittsylvania, Anderson of Rockbridge, Beazley, Boykin, Fitzpatrick, French, Greever, Hundley, Johnson, Lackland, Lewis, Meem, Nowlin, Perrin, Pridemore, Quesenberry, Roller, Smith, Taylor of Loudoun, Taylor of Norfolk city, Terry, and Ward—22.

The roll was then called for the election of county judge for Rappahannock, with the following result:

For J. F. Strother, - - - - - 23

Senators who voted for Mr. Strother, are—Messrs. Anderson of Pittsylvania, Anderson of Rockbridge, Beazley, Boykin, Fitzpatrick, French, Greever, Hundley, Johnson, Lackland, Lewis, Nowlin, Perrin, Pride more, Quesenberry, Rixey, Roller, Smith, Taylor of Loudoun, Taylor of Norfolk city, Terry, Thomas, and Ward—23.

The roll was then called for the election of county judge for Rockbridge, with the following result:

For J. K. Edmondson, - - - - - 24

Senators who voted for Mr. Edmondson, are—Messrs. Anderson of Pittsylvania, Anderson of Rockbridge, Beazley, Boykin, Fitzpatrick, French, Greever, Hundley, Johnson, Lackland, Lewis, Meem, Nowlin,

Perrin, Pridemore, Quesenberry, Rixey, Roller, Smith, Taylor of Loudoun, Taylor of Norfolk city, Terry, Thomas, and Ward—24.

The Roll was then called for the election of county judge for Scott, with the following result:

For H. S. K. Morrison,	-	-	-	24
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Senators who voted for Mr. Morrison, are—Messrs. Anderson of Pittsylvania, Anderson of Rockbridge, Beazley, Boykin, Fitzpatrick, French, Greever, Hundley, Johnson, Lackland, Lewis, Meem, Nowlin, Perrin, Pridemore, Quesenberry, Rixey, Roller, Smith, Taylor of Loudoun, Taylor of Norfolk city, Terry, Thomas and Ward—24.

The roll was then called for the election of county judge of Smyth, with the following result:

For Andrew P. Cole,	-	-	-	24
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For James S. Greever,	-	-	-	1
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Senators who voted for Mr. Cole, are—Anderson of Pittsylvania, Anderson of Rockbridge, Beazley, Boykin, Fitzpatrick, French, Greever, Hundley, Johnson, Lackland, Lewis, Meem, Nowlin, Perrin, Pridemore, Quesenberry, Rixey, Roller, Smith, Taylor of Loudoun, Taylor of Norfolk city, Terry, Thomas, and Ward—24.

Senator who voted for Mr. Greever, is—Mr. Massey—1.

The President appointed Messrs. Lewis and Smith a committee on the part of the Senate to meet a similar committee on the part of the House of Delegates, and count the joint vote for the persons voted for, for the office of county judge of each of the five preceding judicial districts.

The committee reported through their chairman, Mr. Lewis, as follows:

For county judge of Prince William:

Whole number of votes cast,	-	-	104
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Necessary to a choice,	-	-	53
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Of which Aylett Nichol received,	-	-	104
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For county judge of Rappahannock:

Whole number of votes cast,	-	-	106
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Necessary to a choice,	-	-	54
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Of which J. F. Strother received,	-	-	106
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For county judge of Rockbridge:

Whole number of votes cast,	-	-	107
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Necessary to a choice,	-	-	54
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Of which J. K. Edmondson received,	-	-	107
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For county judge of Scott:

Whole number of votes cast,	-	-	106
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Necessary to a choice,	-	-	54
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Of which H. S. K. Morrison received,	-	-	106
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For county judge of Smyth:

Whole number of votes cast,	-	-	107
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Necessary to a choice,	-	-	54
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Of which Andrew P. Cole received,	-	-	106
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J. S. Greever received,	-	-	1
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Aylett Nichol, J. F. Strother, J. K. Edmondson, H. S. K. Morrison,

and Andrew P. Cole, having each received a majority of all the votes cast, were severally declared duly elected county judges for their respective counties for the constitutional term of that office, commencing on the 1st of January, 1874.

A message was received from the House of Delegates by Mr. Griffith, who informed the Senate that in the further execution of the joint order, the following gentlemen had been placed in nomination in that House for the office of county judge, viz:

For the counties of Warren and Clarke—John T. Lovell.

For the counties of Westmoreland and Richmond—George W. Lewis.

For the county of Shenandoah—George R. Calvert.

For the county of Nansemond—T. S. Garnett.

For the counties of James City and York and the city of Williamsburg—R. L. Henley.

On motion of Mr. Ward, it was

Ordered, That he inform the House of Delegates thereof that no additional nominations had been made in the Senate.

The roll was then called for the election of county judge for the district composed of the counties of Warren and Clarke, with the following result:

For John T. Lovell,	-	-	-	21
For Wm. C. Kennerly,	-	-	-	1

Senators who voted for Mr. Lovell, are—Messrs. Anderson of Pennsylvania, Beazley, Fitzpatrick, French, Hundley, Johnson, Lackland, Lewis, Meem, Nowlin, Perrin, Pridemore, Quesenberry, Rixey, Roller, Smith, Taylor of Loudoun, Taylor of Norfolk city, Terry, Thomas, and Ward—21.

Senator who voted for Mr. Kennerly, is—Mr. Massey—1.

The roll was then called for the election of county judge for the district composed of the counties of Westmoreland and Richmond, with the following result:

For George W. Lewis,	-	-	-	23
For Dr. W. W. Douglas,	-	-	-	1
For E. W. Massey,	-	-	-	1

Senators who voted for Mr. Lewis, are—Messrs. Anderson of Pennsylvania, Beazley, Boykin, Fitzpatrick, French, Holladay, Johnson, Lackland, Lewis, Martin, Meem, Nowlin, Perrin, Pridomore, Quesenberry, Rixey, Roller, Smith, Taylor of Loudoun, Taylor of Norfolk city, Terry, Thomas and Ward—23.

Senator who voted for Mr. Douglas, is—Mr. Massey—1.

Senator who voted for Mr. Massey, is—Mr. Norton—1.

The roll was then called for the election of county judge for Shenandoah, with the following result:

For George R. Calvert,	-	-	-	20
For John J. Jones,	-	-	-	2

Senators who voted for Mr. Calvert, are—Messrs. Anderson of Pennsylvania, Beazley, Fitzpatrick, French, Holladay, Johnson, Lackland, Lewis, Meem, Nowlin, Perrin, Pridemore, Quesenberry, Rixey, Roller, Taylor of Loudoun, Taylor of Norfolk city, Terry, Thomas, and Ward—20.

Senators who voted for Mr. Jones, are—Messrs. Martin and Norton—2.

The roll was then called for the election of county judge for Nansemond, with the following result:

For T. S. Garnett,	-	-	-	-	21
For Dr. W. H. Shields,	-	-	-	-	2

Senators who voted for Mr. Garnett, are—Messrs. Anderson of Pennsylvania, Beazley, Fitzpatrick, French, Holladay, Johnson, Lackland, Lewis, Meem, Nowlin, Perrin, Pridemore, Quesenberry, Rixey, Roller, Smith, Taylor of Loudoun, Taylor of Norfolk city, Terry, Thomas, and Ward—21.

Senators who voted for Dr. Shields, are—Messrs. Martin and Norton—2.

The roll was then called for the election of county judge for the district composed of the counties of James City and York and the city of Williamsburg, with the following result:

For R. L. Henley,	-	-	-	-	23
For D. M. Norton,	-	-	-	-	1

Senators who voted for Mr. Henley, are—Messrs. Anderson of Pennsylvania, Beazley, Fitzpatrick, French, Holladay, Johnson, Lackland, Lewis, Martin, Meem, Norton, Nowlin, Perrin, Pridemore, Quesenberry, Rixey, Roller, Smith, Taylor of Loudoun, Taylor of Norfolk city, Terry, Thomas, and Ward—23.

Senator who voted for Mr. Norton, is—Mr. Massey—1.

The President appointed Messrs. Nowlin and Johnson a committee on the part of the Senate to meet a similar committee on the part of the House of Delegates, and count the joint vote for persons voted for, for the office of county judge of the five preceding judicial districts.

The committee reported through their chairman, Mr. Nowlin, as follows:

For county judge of Warren and Clarke:

Whole number of votes cast,	.	.	:	97
Necessary to a choice,	.	.	:	49
Of which John T. Lovell received,	.	.	:	96
Wm. C. Kennerly received,	.	.	:	1

For county judge of Westmoreland and Richmond:

Whole number of votes cast,	.	.	:	104
Necessary to a choice,	.	.	:	53
Of which George W. Lewis received,	.	.	:	102
E. W. Massey received,	.	.	:	1
W. W. Douglas received,	.	.	:	1

For county judge of Shenandoah:

Whole number of votes cast,	.	.	:	102
Necessary to a choice,	.	.	:	52
Of which Geo. R. Calvert received,	.	.	:	100
John J. Jones received,	.	.	:	2

For county judge of Nansemond:

Whole number of votes cast,	.	.	:	103
Necessary to a choice,	.	.	:	52

Of which T. S. Garnett received,	. . .	101
W. H. Shields received,	. . .	2
For county judge of James City and York counties and city of Williamsburg:		
Whole number of votes cast,	. . .	101
Necessary to a choice,	. . .	51
Of which R. L. Henley received,	. . .	100
D. M. Norton received,	. . .	1

John L. Lovell, George W. Lewis, George R. Calvert, T. S. Garnett, and R. L. Henley, having each received a majority of all the votes cast, were severally declared duly elected county judges for their respective districts for the constitutional term of that office, commencing on the 1st of January, 1874.

Mr. Nowlin offered the following joint resolution:

Resolved (the House of Delegates concurring), That the further execution of the joint order, which has for its object the election of county judges, be postponed until Monday at 12 o'clock.

The question on agreeing to the resolution being put, was determined in the negative.

A message was received from the House of Delegates by Mr. Jones of Gloucester, who informed the Senate that in the further execution of the joint order, the following gentlemen had been placed in nomination in that House for the office of county judge, viz:

For the county of Gloucester—W. Kemp.

For the counties of Madison and Greene—W. S. Beazley.

For the county of Lee—H. J. Morgan.

For the county of Southampton—Jos. W. Urquhart.

For the counties of Elizabeth City and Warwick—W. R. Willis.

Ordered, That Mr. Anderson of Pittsylvania inform the House of Delegates that no additional nominations had been made in the Senate.

Mr. Thomas made an unsuccessful motion to adjourn, on division—ayes 5, noes 9. No quorum voting,

Mr. Nowlin moved that the Senate adjourn; and the question being put thereon, was determined in the negative—ayes 5, noes 17.

On motion of Mr. Thomas, the vote was recorded as follows:

Ayes—Messrs. Martin, Nowlin, Stevens, Thomas, and Ward—5.

Noes—Messrs. Anderson of Pittsylvania, Beazley, Fitzpatrick, French, Holladay, Johnson, Lackland, Meem, Perrin, Pridemore, Quesenberry, Rixey, Roller, Smith, Taylor of Loudoun, Taylor of Norfolk city, and Terry—17.

Mr. Thomas offered the following joint resolution:

Resolved (the House of Delegates concurring), That the further execution of the joint order, which has for its object the election of county judges, be postponed until Monday at 12 o'clock.

The question on agreeing to the resolution being put, was determined in the affirmative—ayes 15, noes 7.

On motion of Mr. Taylor of Loudoun, the vote was recorded as follows:

Ayes—Messrs. Anderson of Pittsylvania, Beazley, Fitzpatrick, Hol-

la-lay, Johnson, Lackland, Martin, Nowlin, Perrin, Stevens, Taylor of Loudoun, Taylor of Norfolk city, Terry, Thomas, and Ward—15.

Noes—Messrs. French, Meem, Pridemore, Quesenberry, Rixey, Roller, and Smith—7.

On motion of Mr. Nowlin,

Ordered, That he inform the House of Delegates thereof and request their concurrence therein.

On motion of Mr. Fitzpatrick, Mr. Penn was granted an indefinite leave of absence on account of sickness in his family.

Mr. French made an unsuccessful motion to adjourn.

On motion of Mr. Johnson, Mr. Fitzpatrick was granted leave of absence until Monday next.

Mr. Taylor of Loudoun made an unsuccessful motion for leave of absence for Mr. Grimsley until Monday next.

Mr. Thomas moved to adjourn; and the question being put thereon, was determined in the negative, on division—ayes 9, noes 10. No quorum voting. Whereupon,

On motion of Mr. Meem, the Senate adjourned until Monday next, eleven o'clock.

MONDAY, MARCH 24, 1873.

Mr. Quesenberry in the chair.

A communication from the House of Delegates, by their clerk, was read as follows:

In House of Delegates, March 22, 1873.

The House of Delegates have agreed to Senate (concurrent) resolution postponing the further execution of the joint order which has for its object the election of county judges, until Monday, 24th instant, twelve o'clock.

Mr. Fitzpatrick, from the committee on general laws, reported without amendment,

No. 141, House bill entitled an act to amend and re-enact section 1, chapter 101, Code of 1860, in relation to the protection of deer throughout the Commonwealth.

Mr. Thomas, from the committee on finance, presented

No. 335, A bill appropriating the public revenue for the fiscal year, 1873-74; which, on his motion, was read the first, and ordered to be read a second time.

Mr. Nowlin, by leave, presented

No. 336, A bill to authorize the District School Boards of Wythe county to apply unexpended district funds to the payment of teachers' salaries; which, on his motion, was read the first, and ordered to be read a second time.

Mr. Anderson of Pittsylvania, by leave, presented

No. 337, A bill to amend and re-enact an act approved March 13th, 1872, entitled an act for the relief of the late sheriff of Pittsylvania; which, on his motion, was read the first, and ordered to be read a second time.

On motion of Mr. Connally, so much of the order directing the printing of the report of the committee to investigate charges against the officers of the Central Lunatic Asylum as provides for the printing of the evidence taken before said committee, was rescinded.

Mr. Perrin, by leave, presented

No. 338. A bill to amend the 58th section of the act passed at the present session of the General Assembly entitled an act for the preservation of oysters, and to obtain a revenue for the privilege of taking them within the waters of the Commonwealth; which, on his motion, was read the first, and ordered to be read a second time.

Mr. Johnson, by leave, presented

No. 339, A bill for the relief of the estate of James M. Dunton, late sheriff of the county of Northampton; which, on his motion, was read the first, and ordered to be read a second time.

Mr. Cochran, by leave, presented

No. 340, A bill to incorporate the Augusta Paper Mill Company; which, on his motion, was read the first, and ordered to be read a second time.

Mr. Roller, by leave, presented in behalf of Mr. Holladay

No. 341, A bill to incorporate the Richmond and Trans-Alleghany Narrow Gauge Railway Company; which, on his motion, was read the first, and ordered to be read a second time.

On motion of Mr. Wynne, the Senate proceeded to the consideration of Senate bills on their second reading.

No. 128, Senate bill to amend and re-enact section 4 of chapter 169 of the Code of Virginia (edition of 1860), in regard to writs of mandamus, prohibition, and certiorari, was taken up, read the second, and ordered to be engrossed and read a third time.

No. 249, Senate bill providing for the payment of the costs and charges of criminal proceedings, was taken up, read the second time, and, on motion of Mr. Pridemore, laid on the table.

No. 293, Senate bill authorizing the Board of Education to fund the bonds of Virginia belonging to the literary fund, was taken up, read the second time, and, on motion of Mr. Taylor of Loudoun, amended, and, as amended, ordered to be engrossed and read a third time.

A message was received from the House of Delegates by Mr. Coghill, who informed the Senate that that House had passed a bill entitled an act to amend and re-enact an act entitled an act to authorize the Washington City, Virginia, Midland, and Great Southern Railroad Company to acquire and sell lands, approved February 15th, 1873, No. 327.

No. 157, Senate bill to authorize the city of Richmond to contribute to the building of a railroad from Keysville to Clarksville, was taken up, read the second, and ordered to be engrossed and read a third time.

No. 251, Senate bill to amend the charter of the Atlantic, Chesa-

peake and Ohio Transportation and Towing Company, was taken up, read the second time; and the question on agreeing to the substitute proposed by the committee on roads and internal navigation being put, was determined in the affirmative.

The bill, as amended, was then ordered to be engrossed and read a third time.

No. 273, Senate bill supplemental to the act entitled an act to require manufacturers of fertilizers to label their packages with a correct analysis of the same, in force March 29th, 1871, so as to more effectually prevent the sale of spurious and adulterated fertilizers, was taken up, read the second, and ordered to be engrossed and read a third time.

No. 290, Senate bill to authorize the corporate authorities of the town of Liberty to borrow money, was taken up, read the second time, and the amendment proposed by the committee on general laws was agreed to.

The bill, as amended, was ordered to be engrossed and read a third time.

A message was received from the House of Delegates by Mr. Prague, who informed the Senate that that House had passed an act entitled an act to amend and re-enact the 3rd clause of the 57th section of an act entitled an act to regulate the imposition, assessment and collection of taxes for the support of public free schools by counties and school districts, and for this purpose to repeal the 2nd clause of the 14th section and the 44th section, and to amend and re-enact the 8th clause of the 24th section, and the 2d and 3rd clauses of the 57th section, and the 59th and 64th sections of chapter 259 of acts of 1869-70, entitled an act to establish and maintain a uniform system of public free schools (approved July 11th, 1870), approved March 26th, 1872, No. 269.

Joint resolutions proposing amendments to the 8th section of the 8th article of the Constitution of the Commonwealth in relation to education, for publishing said amendments, and certifying the same to the next General Assembly, was taken up, and read the second time—when

Mr. Pridemore moved to lay the resolutions on the table; and the question on agreeing thereto—and pending which

A message was received from the House of Delegates by Mr. Critz, who informed the Senate that that House was ready on its part to proceed to the execution of the joint order of the day, which has for its object the election of county judges.

On motion of Mr. Taylor of Loudoun, it was

Ordered, That he inform the House of Delegates that the Senate is ready on its part to proceed to the execution of the said joint order.

The roll was then called for the election of county judge for Gloucester, with the following result:

For W. Kemp,	-	-	-	-	20
For Jas. N. Stubb,	-	-	-	-	1
For Philip H. Todd,	-	-	-	-	1

Senators who voted for Mr. Kemp, are—Messrs. Anderson of Pittsylvania, Anderson of Rockbridge, Beazley, Cochran, Connally, Fitzpatrick, French, Johnson, Lackland, Lewis, Meem, Nowlin, Perrin,

Pridemore, Quesenberry, Rixey, Roller, Taylor of Loudoun, Thomas, and Ward—20.

Senator who voted for Mr. Stubbs, is—Mr. Massey—1.

Senator who voted for Mr. Todd, is—Mr. Norton—1.

The roll was then called for the election of county judge for the district composed of the counties of Madison and Greene, with the following result:

For W. T. Beazley,	-	-	-	-	21
For Washington Banks,	-	-	-	-	1

Senators who voted for Mr. Beazley, are—Messrs. Anderson of Pennsylvania, Anderson of Rockbridge, Beazley, Cochran, Connally, Fitzpatrick, French, Johnson, Lackland, Lewis, Meem, Nowlin, Perrin, Pridemore, Quesenberry, Rixey, Roller, Smith, Taylor of Loudoun, Thomas, and Ward—21.

Senator who voted for Mr. Banks, is—Mr. Norton—1.

The roll was then called for the election of county judge for Lee, with the following result:

For H. J. Morgan,	-	-	-	-	22
For A. L. Pridemore,	-	-	-	-	2

Senators who voted for Mr. Morgan, are—Messrs. Anderson of Pennsylvania, Anderson of Rockbridge, Beazley, Cochran, Connally, Fitzpatrick, French, Johnson, Lackland, Lewis, Martin, Meem, Nowlin, Perrin, Pridemore, Quesenberry, Rixey, Roller, Smith, Taylor of Loudoun, Thomas, and Ward—22.

Senators who voted for Mr. Pridemore, are—Messrs. Massey, and Norton—2.

The roll was then called for the election of county judge for Southampton, with the following result:

For Jos. W. Urquhart,	.	.	.	.	21
For Wm. N. Stevens,	.	.	.	.	1

Senators who voted for Mr. Urquhart, are—Messrs. Anderson of Pennsylvania, Anderson of Rockbridge, Beazley, Cochran, Connally, Fitzpatrick, French, Johnson, Lackland, Lewis, Meem, Nowlin, Perrin, Pridemore, Quesenberry, Rixey, Roller, Smith, Taylor of Loudoun, Thomas, and Ward—21.

Senator who voted for Mr. Stevens, is—Mr. Massey—1.

The roll was then called for the election of county judge for the district composed of the counties of Elizabeth City and Warwick, with the following result:

For W. R. Willis,	.	.	.	.	22
For R. S. Jones,	.	.	.	.	1
For John B. Jones,	.	.	.	.	1

Senators who voted for Mr. Willis—are Messrs. Anderson of Pennsylvania, Anderson of Rockbridge, Beazley, Cochran, Connally, Fitzpatrick, French, Johnson, Lackland, Lewis, Meem, Nowlin, Perrin, Pridemore, Quesenberry, Rixey, Roller, Smith, Taylor of Loudoun, Thomas, Ward, and Wynne—22.

Senator who voted for Mr. R. S. Jones, is—Mr. Massey—1.

Senator who voted for Mr. J. B. Jones, is—Mr. Norton—1.

The President appointed Messrs. Beazley and Pridemore a committee on the part of the Senate to meet a similar committee on the part of the House of Delegates, and count the joint vote of the persons voted for, for the office of county judge of each of the five preceding judicial districts.

The committee reported through their chairman, Mr. Beazley, as follows:

For county judge of Gloucester:

Whole number of votes cast,	.	.	.	97
Necessary to a choice,	.	.	.	49
Of which W. Kemp received,	.	.	.	95
J. N. Stubbs received,	.	.	.	1
P. H. Todd received,	.	.	.	1

For county judge of Madison and Greene:

Whole number of votes cast,	.	.	.	96
Necessary to a choice,	.	.	.	49
Of which W. S. Beazley received,	.	.	.	95
Washington Banks received,	.	.	.	1

For county judge of Lee:

Whole number of votes cast,	.	.	.	99
Necessary to a choice,	.	.	.	50
Of which H. J. Morgan received,	.	.	.	97
A. L. Pridemore received,	.	.	.	2

For county judge of Southampton:

Whole number of votes cast,	.	.	.	99
Necessary to a choice,	.	.	.	50
Of which Jos. W. Urquhart received,	.	.	.	98
W. N. Stevens received,	.	.	.	1

For county judge of Elizabeth City and Warwick:

Whole number of votes cast,	.	.	.	103
Necessary to a choice,	.	.	.	52
Of which W. R. Willis received,	.	.	.	101
R. S. Jones received,	.	.	.	1
Jno. R. Jones received,	.	.	.	1

W. Kemp, W. S. Beazley, H. J. Morgan, Joseph W. Urquhart and W. R. Willis, having each received a majority of all the votes cast, were severally declared duly elected county judges for their respective counties for the constitutional term of that office, commencing on the 1st of January, 1874.

A message was received from the House of Delegates by Mr. Kincheloe, who informed the Senate that in the further execution of the joint order, the following gentlemen had been placed in nomination in that House for the office of county judge, viz:

For the counties of Cumberland and Powhatan—Wm. Pope Dabney.

For the county of Carroll—Garland Hale.

For the counties of Bath and Highland—John W. Myers.

For the county of Fauquier—W. H. Gaines.

For the county of Spotsylvania—J. T. Goolrick.

On motion of Mr. Ward, it was

Ordered, That he inform the House of Delegates that no additional nominations had been made in the Senate.

The roll was then called for the election of county judge for the district composed of the counties of Cumberland and Powhatan, with the following result:

For Wm. Pope Dabney,	.	.	.	.	22
For John Robinson,	.	.	.	.	3

Senators who voted for Mr. Dabney, are—Messrs. Anderson of Pennsylvania, Anderson of Rockbridge, Beazley, Cochran, Fitzpatrick, French, Holladay, Johnson, Lackland, Lewis, Martin, Meem, Nowlin, Perrin, Pridemore, Quesenberry, Rixey, Roller, Smith, Taylor of Loudoun, Thomas, and Ward—22.

Senators who voted for Mr. Robinson, are---Messrs. Massey, Norton, and Nutting—3.

The roll was then called for the election of county judge for Carroll, with the following result:

For Garland Hale,	.	.	.	.	22
For A. W. C. Nowlin,	.	.	.	.	1

Senators who voted for Mr. Hale, are—Messrs. Anderson of Pennsylvania, Anderson of Rockbridge, Beazley, Cochran, Connally, Fitzpatrick, French, Holladay, Johnson, Lackland, Lewis, Meem, Nowlin, Perrin, Pridemore, Quesenberry, Rixey, Roller, Smith, Taylor of Loudoun, Thomas, and Ward—22.

Senator who voted for Mr. Nowlin, is—Mr. Massey—1.

The roll was then called for the election of county judge for the district composed of the counties of Bath and Highland, with the following result:

For John W. Myers,	.	.	.	.	21
For John R. Popham,	.	.	.	.	3

Senators who voted for Mr. Myers, are—Messrs. Anderson of Pennsylvania, Anderson of Rockbridge, Beazley, Cochran, Connally, Fitzpatrick, French, Holladay, Lackland, Lewis, Meem, Nowlin, Perrin, Pridemore, Quesenberry, Rixey, Roller, Smith, Taylor of Loudoun, Thomas, and Ward—21.

Senators who voted for Mr. Popham, are—Messrs. Martin, Massey, Norton, and Nutting—4.

The roll was then called for the election of county judge for Fauquier, with the following result:

For W. H. Gaines,	.	.	.	.	22
For John S. Mosby,	.	.	.	.	4

Senators who voted for Mr. Gaines, are—Messrs. Anderson of Pennsylvania, Anderson of Rockbridge, Beazley, Cochran, Connally, Fitzpatrick, French, Holladay, Johnson, Lackland, Lewis, Meem, Nowlin, Perrin, Pridemore, Quesenberry, Rixey, Roller, Smith, Taylor of Loudoun, Thomas, and Ward—22.

Senators who voted for Mr. Mosby, are—Messrs. Martin, Massey, Norton, and Nutting—4.

The roll was then called for the election of county judge for Spotsylvania, with the following result:

For J. T. Goolrick,	.	.	.	23
For James B. Sener,	.	.	.	1

Senators who voted for Mr. Goolrick, are—Messrs. Anderson of Pittsylvania, Anderson of Rockbridge, Beazley, Boykin, Cochran, Connally, Fitzpatrick, French, Holladay, Johnson, Lackland, Lewis, Meem, Nowlin, Perrin, Pridemore, Quesenberry, Rixey, Roller, Smith, Taylor of Loudoun, Thomas, and Ward—23.

Senator who voted for Mr. Sener, is—Mr. Massey—1.

The President appointed Messrs. Meem and Holladay a committee on the part of the Senate to meet a similar committee on the part of the House of Delegates, and count the joint vote for the persons voted for, for the office of county judge for each of the five preceding judicial districts.

The committee reported through their chairman, Mr. Meem, as follows:

For county judge of Cumberland and Powhatan :

Whole number of votes cast,	.	.	.	93
Necessary to a choice,	.	.	.	47
Of which Wm. Pope Dabney received,	.	.	.	90
John Robinson received,	.	.	.	3

For county judge of Carroll :

Whole number of votes cast,	.	.	.	97
Necessary to a choice,	.	.	.	49
Of which Garland Hale received,	.	.	.	96
A. W. C. Nowlin received,	.	.	.	1

For county judge of Bath and Highland :

Whole number of votes cast,	.	.	.	99
Necessary to a choice,	.	.	.	50
Of which John W. Myers received,	.	.	.	95
John R. Popham received,	.	.	.	4

For county judge of Fauquier :

Whole number of votes cast,	.	.	.	102
Necessary to a choice,	.	.	.	52
Of which W. H. Gaines received,	.	.	.	98
John S. Mosby received,	.	.	.	4

For county judge of Spotsylvania :

Whole number of votes cast,	.	.	.	101
Necessary to a choice,	.	.	.	51
Of which John T. Goolrick received,	.	.	.	100
J. B. Stener received,	.	.	.	1

Wm. Pope Dabney, Garland Hale, John W. Myers, W. H. Gaines, and J. T. Goolrick, having each received a majority of all the votes cast, were severally declared duly elected county judges for their respective counties for the constitutional term of that office, commencing on the 1st of January, 1874.

The question recurring on the motion to lay on the table the joint resolutions proposing amendments to the 8th section of the 8th article of

the Constitution, in relation to education, for publishing said amendments and certifying the same to the next General Assembly (which was under consideration when the order of the day was proceeded with), was put, and determined in the affirmative.

A message was received from the House of Delegates by Mr. Lovenstein, who informed the Senate that that House had agreed to the following joint resolution :

Resolved (the Senate concurring), The further execution of the joint order, having for its object the election of county judges, be postponed until to-morrow at twelve o'clock.

The resolution was taken up, and the question on agreeing thereto being put, was determined in the affirmative.

Ordered, That Mr. Holladay inform the House of Delegates thereof.

No. 286, Senate bill to amend and re-enact section 2 of chapter 191 of the Code of 1860 in relation to the crime of murder, was taken up, read the second time, and the amendment proposed by the committee for courts of justice was agreed to—when

Mr. Fitzpatrick moved to lay the bill on the table, and on this proposition

Mr. Meem demanded the pending question, which was ordered, and being put, was determined in the affirmative.

No. 308, Senate bill to amend the charter of the city of Richmond, was taken up, and the substitute proposed by the committee on general laws was agreed to.

The bill, as amended, was ordered to be engrossed and read a third time.

No. 314, Senate bill to amend and re-enact the 5th section of an act entitled an act to amend the charter of the town of Christiansburg, and extending the limits of the same, was taken up, read the second, and ordered to be engrossed and read a third time.

No. 316, Senate bill to authorize the circuit court of the county of Pulaski to decree and confirm a sale of certain real estate of Mrs. S. McG. Buford and children, was taken up, read the second, and ordered to be engrossed and read a third time.

No. 317, Senate bill to amend and re-enact the 2d section of an act approved March 22, 1871, entitled an act to incorporate the town of Blacksburg, in the county of Montgomery.

No. 318, Senate bill for the relief of Joel L. Walker, administrator of the estate of David Bruce, deceased, was taken up, read the second, and ordered to be engrossed and read a third time.

No. 319, Senate bill declaring certain parts of the Chickahominy river a public highway, was taken up, read the second, and ordered to be engrossed and read a third time.

No. 103, Senate bill incorporating the Woodstock and Lost River Turnpike Company, was taken up, read the second, and ordered to be engrossed and read a third time.

No. 304, Senate bill to authorize the qualified voters of Brandon township, in the county of Prince George, to vote on the question of repealing the fence law so far as applicable to said township, was taken

up, read the second time, and, on motion of Mr. French, recommitted to the committee on general laws.

No. 311, Senate bill to amend the 8th section of an act approved May 18th, 1870, fixing the salaries of judges, &c., so as to provide that judges of corporation courts shall be paid out of the treasuries of their respective corporations, was taken up, read the first, and ordered to be read a second time, and, on motion of Mr. Thomas, laid on the table.

The following bills were taken up, read the second, and ordered to be engrossed and read a third time:

No. 321, Senate bill to amend and re-enact an act passed December 19th, 1866, entitled an act to incorporate the Southwestern Virginia Mining, Smelting and Transportation Company;

No. 283, Senate bill to provide the manner in which certain stock may be voted at the meeting of the internal improvement companies of the State;

No. 325, Senate bill to incorporate the bank of Tazewell; and

No. 327, Senate bill to repeal and re-enact an act passed April 3d, 1839, incorporating the Pearisburg Academy Association.

No. 246, Senate bill to amend and re-enact section 2 of chapter 151, Code of 1860, in relation to attachments, was taken up, read the second time, and the amendments proposed by the committee for courts of justice were agreed to, and the bill as amended was ordered to be engrossed and read a third time.

No. 65, Senate bill in relation to the Norfolk and Southern Railroad Company, was taken up, read the second time, and the substitute proposed by the committee on roads and internal navigation was agreed to, and the bill as amended was ordered to be engrossed and read a third time.

The following bills were taken up, read the second, and ordered to be engrossed and read a third time:

No. 322, Senate bill to incorporate the Danville and Franklin Railroad Company;

No. 329, Senate bill to authorize the trustees of Main Street M. E. Church, South, in Danville, to borrow money;

No. 330, Senate bill to authorize the Leesburg and Aldie Turnpike Company to issue preferred stock;

No. 331, Senate bill to incorporate the Oakland Institute at Doe Hill, Highland county, Virginia;

No. 332, Senate bill to incorporate the Rockbridge McAdam Road Company;

No. 328, Senate bill to allow judges of certain corporation or hustings courts to practice law;

No. 333, Senate bill to authorize the judge of the 11th judicial circuit to certify certain claims for services as experts in the trial of a case of murder in the county of Loudoun; and

No. 334, Senate bill to authorize the county of Surry to borrow money to rebuild the jail recently destroyed by fire.

Mr. Massey submitted the following preamble and resolution; which were agreed to :

Whereas inconvenience and damage is often sustained, and much valuable property constantly lost by fires originating from the useless and wanton habits of vagrants, idlers, and others who fire waste lands and marshes; therefore

Resolved, That the committee for courts of justice be instructed to enquire into this subject and report a remedy, by bill or otherwise.

Mr. Lackland offered the following resolution:

Resolved, That the Senate, when it adjourns to-day, it adjourn to meet at eight o'clock to-night, and every night thereafter until otherwise ordered; and the question on agreeing thereto being put, was determined in the negative.

Mr. Greene, by leave, presented

No. 342, A bill to authorize the common council of Petersburg to issue bonds to the amount of one hundred and fifty thousand dollars, for the purpose of paying off the indebtedness of said city; which, on his motion, was read the first, and ordered to be read a second time.

Mr. Roller, by leave, presented

No. 343, A bill to incorporate the Virginia Iron and Land Company; which, on his motion, was read the first, and ordered to be read a second time.

On motion of Mr. Nowlin, the Senate adjourned until to-morrow, twelve o'clock.

TUESDAY, MARCH 25th, 1873.

No. 327, House bill entitled an act to amend and re-enact an act entitled an act to authorize the Washington City, Virginia, Midland and Great Southern Railroad Company to acquire and sell lands, approved February 15th, 1873, was taken up, twice read, and, on motion of Mr. Anderson of Pittsylvania, the rule requiring the commitment of the same being suspended, was read the third time and passed with its title.

Ordered, That the clerk inform the House of Delegates thereof.

No. 269, House bill entitled an act to amend and re-enact the 3rd clause of the 57th section of an act entitled an act to regulate the imposition, assessment, and collection of taxes for the support of public free schools by counties and school districts, and for this purpose to repeal the 2d clause of the 14th section and the 44th section, and to amend and re-enact the 8th clause of the 24th section, and the 2d and 3d clauses of the 57th section, and the 59th and 64th sections of chapter 259 of Acts of 1869-70, entitled an act to establish and maintain a uniform system of public free schools (approved July 11th, 1870), approved March 26th, 1872, was taken up, twice read, and referred to the committee on public institutions.

* A communication from the House of Delegates, by their clerk, was read as follows:

In House of Delegates, March 24, 1873.

The House of Delegates have agreed to the amendments of the Sen-

ate to house bills entitled an act to amend and re-enact the 6th section of an act entitled an act to provide for the organization of county school boards, and prescribing the powers and duties of said boards, and to amend and re-enact 40th section of the act entitled an act to establish and maintain a uniform system of public free schools, approved July 11th, 1870, approved February 21st, 1872, No. 132; and an act to authorize the county school board of Elizabeth City county to borrow money for the purpose of erecting a high school in the town of Hampton, No. 123.

They have passed Senate bills entitled an act to amend and re-enact the 1st, 2nd, 3rd, 4th, and 8th sections of an act entitled an act to amend the charter of the Richmond and Lynchburg Railroad Company, approved July 11th, 1870, so as to change the name of the said company, and extend the time within which it may commence and complete the said railroad, No. 306; an act to incorporate the Dismal Swamp Lumber Company, No. 313; an act in reference to certain bonds and recognizances, No. 310; an act to amend and re-enact section 17 of an act approved March 21, 1871, entitled an act to amend and re-enact an act entitled an act to incorporate the town of Liberty, in the county of Bedford, and to add to said charter sections 24, 25, 26, 27, and 28, No. 219; an act to authorize the Second Auditor to issue duplicates of certain warrants on the treasury lost or destroyed before payment, No. 204; an act to incorporate the Richmond and Fair Oaks Turnpike Company, No. 300; an act to authorize county courts to declare water courses lawful fences, No. 275; an act to amend an act entitled an act to amend an act passed the 29th of May, 1852, entitled an act to prescribe the mode of electing trustees for the town of Farmville, in the county of Prince Edward, and vesting them with corporate privileges, approved July 11th, 1870, to provide for the election of certain officers by the town council, No. 297; an act to amend and re-enact chapter 122 of the Acts of 1871-72, in relation to the relief of the sureties of William Sample, late sheriff of Russell county, No. 98; an act to incorporate the Farmers and Mechanics Benevolent Fire Insurance Association of the counties of Roanoke and Botetourt, No. 294; an act to authorize the Board of Directors of the Western Lunatic Asylum to convey a certain lot or parcel of land to William B. Kayser of the city of Staunton, No. 278; an act to establish and incorporate the Tazewell County Agricultural and Mechanical Society, and to appoint a police for the same, No. 277; an act to establish the seals and flags of the Commonwealth, No. 90; an act to incorporate the Rockingham Bank, No. 58; an act to amend and re-enact section 1 of chapter 21 of the Code of 1860, concerning the superintendents of public buildings, No. 272; an act to authorize the issue of land warrants for small quantities in lieu of warrants heretofore issued for large quantities of land, No. 242; have agreed to joint resolution in relation to the preservation of the original drafts of the ordinance of secession adopted by the Convention of Virginia, April, 1861; an act to authorize the town of Manchester to construct a free bridge over James river, No. 270; an act to authorize the trustees of the town of Manchester to issue bonds for im-

provements in said town, No. 296; an act to amend and re-enact section 14 of chapter 177 of the Code of 1860, in relation to interest, No. 269; and an act to incorporate the Farmers Bank of Lynchburg, No. 234.

They have dismissed Senate bills entitled an act to amend and re-enact section 6 of an act to incorporate the West Point and Hanover Junction Railroad Company, approved July 8, 1870, No. 262; an act to regulate the vote of counties, cities and towns holding shares in the capital stock of railroad or other internal improvement companies, No. 226; and an act to amend and re-enact section 63, chapter 85, Code of Virginia, in relation to lunatic asylums, No. 137.

They have passed house bills entitled an act to amend and re-enact section 1 of an act entitled an act to provide for a new charter for the town of Charlottesville, approved March 28th, 1871, No. 379; an act to authorize the trustees of the parsonage property for Atlantic circuit, Methodist Episcopal Church, South, to sell the same, No. 374; an act to authorize Stephen Thomas, former sheriff of Grayson county, to collect unpaid tax tickets, fee bills and county levies for the years 1859 and 1860, under certain restrictions, No. 292; an act providing for the sale of certain estate devised and bequeathed by William A. Christian, deceased, No. 236; an act to authorize the circuit court of the county of Pulaski to decree and confirm a sale of certain real estate of Mrs. S. McG. Buford and children, No. 300; an act providing for working and keeping in proper repair the roads of Fauquier county, No. 347; an act to make James river a lawful fence in the county of Amherst, No. 218; an act to authorize the Leesburg and Aldie Turnpike Company to issue preferred stock, No. 356; an act for the protection of fish in Jackson's and Cowpasture rivers and their tributaries, from the junction of said rivers to the boundary line between the counties of Bath and Highland, No. 321; and an act to authorize the Board of Supervisors of Craig county and Alleghany county to contract for keeping in repair certain public roads in said counties, No. 332.

They have passed with amendments Senate bills entitled an act to amend and re-enact section 5 of chapter 192 of the Code of 1860, in relation to offences against property, so as to punish more rigorously in certain cases the crime of arson, No. 223; an act to incorporate the Boston Wharf and Warehouse Company of Norfolk, No. 235; and an act to incorporate the Manchester Railway and Land Improvement Company, No. 253; an act for the relief of William P. Boyle, Elias Harman, and Franklin G. Helvey, No. 291; and an act to incorporate the Augusta Mining and Improvement Company, No. 97; in which bills and amendments they respectfully request the concurrence of the Senate.

No. 253, Senate bill to incorporate the Manchester Railway and Land Improvement Company, with the amendments proposed by the House of Delegates, was taken up, and the amendments were agreed to.

Ordered, That the clerk inform the House of Delegates thereof.

No. 235, Senate Bill to incorporate the Boston Wharf and Warehouse

Company of Norfolk, with the amendment proposed by the House of Delegates, was taken up, and the amendment was agreed to.

Ordered, That the clerk inform the House of Delegates thereof.

No. 223, Senate bill to amend and re-enact section 5 of chapter 192 of the Code of 1860, in relation to offences against property, so as to punish more rigorously in certain cases the crime of arson, with the amendment proposed by the House of Delegates, was taken up, and the question being on agreeing to the amendment, Mr. Nowlin moved to lay the bill on the table; and the question being put thereon, was determined in the affirmative—ayes 14, noes 12.

On motion of Mr. Lackland, the vote was recorded as follows:

Ayes—Messrs. Anderson of Pittsylvania, Anderson of Rockbridge, Beazley, Boykin, French, Massey, Nowlin, Nutting, Quesenberry, Rixey, Smith, Taylor of Loudoun, Thomas, and Ward—14.

Noes—Messrs. Greever, Herndon, Johnson, Lackland, Martin, Meem, Norton, Patterson, Perrin, Pridemore, Stevens, and Wynne—12.

No. 97, Senate bill to incorporate the Augusta Mining and Improvement Company, with the amendments proposed by the House of Delegates, was taken up, and the amendments were agreed to.

The title was amended as proposed by the House of Delegates, and agreed to in these words:

“An act to incorporate the Virginia Mining and Improvement Company.”

Ordered, That the clerk inform the House of Delegates thereof.

No. 291, Senate bill for the relief of William P. Boyle, Elias Harman, and Franklin G. Helvey, with the amendments proposed by the House of Delegates, was taken up, and the amendments were agreed to.

Ordered, That the clerk inform the House of Delegates thereof.

A message was received from the House of Delegates by Mr. Head, who informed the Senate that that house had agreed to the following joint resolution:

Resolved (the Senate concurring), The General Assembly will proceed at 12 o'clock to elect a judge for the county court of Goochland, to fill the vacancy caused by the resignation of Judge A. K. Leake.

The resolution was taken up, and the question on agreeing thereto being put, was determined in the affirmative.

On motion of Mr. Nowlin, it was

Ordered, That he inform the House of Delegates thereof.

A message was received from the House of Delegates by Mr. Head, who informed the Senate that that House had agreed to the following joint resolution :

Resolved (the Senate concurring), The General Assembly will proceed in the further execution of the joint order, having for its object the election of county judges, in the following order:

Accomack, Bland and Giles; Culpeper, Floyd, Loudoun, Mecklenburg, Mathews and Middlesex; New Kent and Charles City; Northampton, Nottoway, Roanoke, Rockingham, Tazewell, Wythe and Pulaski.

The resolution was taken up, and the question on agreeing thereto being put, was determined in the affirmative.

On motion of Mr. Nowlin, it was

Ordered, That he inform the House of Delegates thereof.

A message was received from the House of Delegates by Mr. Bagwell, who informed the Senate that that House was ready on its part to proceed to the execution of the joint order, which has for its object the election of county judges.

On motion of Mr. Nowlin, it was

Ordered, That he inform the House of Delegates that the Senate is ready on its part to proceed to the execution of the joint order

A message was received from the House of Delegates by Mr. Bagwell, who informed the Senate that in the execution of the joint order the following gentlemen had been placed in nomination in that House for the office of county judge, viz:

For the county of Accomac—Thomas C. Paramore.

For the counties of Bland and Giles—P. W. Strother.

For the county of Culpeper—John W. Bell.

For the county of Floyd—Z. T. Dobyns.

For the county of Loudoun—Chas. B. Ball.

On motion of Mr. Quesenberry, it was

Ordered, That he inform the House of Delegates that no additional nominations had been made in the Senate.

The roll was then called for the election of county judge for Accomac, with the following result:

For Thomas C. Paramore,	.	.	.	.	24
For Edward K. Snead,	.	.	.	.	2

Senators who voted for Mr. Paramore, are—Messrs. Anderson of Pittsylvania, Anderson of Rockbridge, Beazley, Boykin, Cochran, Connally, French, Greever, Grimsley, Herndon, Holladay, Johnson, Kirkpatrick, Lackland, Meem, Nowlin, Perrin, Quesenberry, Rixey, Roller, Smith, Taylor of Loudoun, Ward, and Wynne—24.

Senators who voted for Mr. Snead, are—Messrs. Massey and Norton—2.

The roll was then called for the election of county judge for the district composed of the counties of Bland and Giles, with the following result:

For P. W. Strother,	.	.	.	.	27
For James M. French,	.	.	.	.	1

Senators who voted for Mr. Strother, are—Messrs. Anderson of Pittsylvania, Anderson of Rockbridge, Beazley, Boykin, Cochran, Connally, French, Greever, Grimsley, Herndon, Holladay, Johnson, Kirkpatrick, Lackland, Martin, Meem, Nowlin, Perrin, Pridemore, Quesenberry, Rixey, Roller, Smith, Taylor of Loudoun, Thomas, Ward, and Wynne—27.

Senator who voted for Mr. French, is—Mr. Massey—1.

The roll was then called for the election of county judge for Culpeper, with the following result:

For John W. Bell,	-	-	-	-	24
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For James Barbour,	-	-	-	-	1
For W. W. Lewis,	-	-	-	-	1

Senators who voted for Mr. Bell, are—Messrs. Anderson of Pittsylvania, Anderson of Rockbridge, Beazley, Boykin, Cochran, Connally, French, Greever, Grimsley, Herndon, Holladay, Johnson, Kirkpatrick, Meem, Nowlin, Perrin, Pridemore, Quesenberry, Rixey, Roller, Smith, Taylor of Loudoun, Ward and Wynne—24.

Senator who voted for Mr. Lewis, is—Mr. Martin—1.

Senator who voted for Mr. Barbour, is—Mr. Massey—1.

The roll was then called for the election of county judge for Floyd, with the following result:

For Z. T. Dobyns,	-	-	-	-	26
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Senators who voted for Mr. Dobyns, are—Messrs. Anderson of Pittsylvania, Anderson of Rockbridge, Beazley, Boykin, Cochran, Connally, French, Greever, Grimsley, Herndon, Holladay, Johnson, Kirkpatrick, Lackland, Meem, Nowlin, Perrin, Pridemore, Quesenberry, Rixey, Roller, Smith, Taylor of Loudoun, Taylor of Norfolk city, Ward, and Wynne—26.

The roll was then called for the election of county judge for Loudoun, with the following result:

For C. B. Ball,	-	-	-	-	23
For J. W. Minor,	-	-	-	-	3

The Senators who voted for Mr. Ball, are—Messrs. Anderson of Pittsylvania, Anderson of Rockbridge, Beazley, Boykin, Cochran, Connally, Greever, Grimsley, Herndon, Holladay, Johnson, Lackland, Meem, Nowlin, Perrin, Pridemore, Quesenberry, Rixey, Roller, Smith, Taylor of Loudoun, Taylor of Norfolk city, and Ward—23.

Senators who voted for Mr. Minor, are—Messrs. Martin, Massey, and Norton—3.

The President appointed Messrs. Nowlin and Johnson a committee on the part of the Senate to meet a similar committee on the part of the House of Delegates, and count the joint vote of the persons voted for, for the office of county judge for each of the five preceding judicial districts.

The committee reported through their chairman, Mr. Nowlin, as follows :

For county judge of Accomac :

Whole number of votes cast,	-	-	-	106
Necessary to a choice,	-	-	-	54
Of which Thos. C. Paramore received,	-	-	-	104
Edward K. Snead received,	-	-	-	2

For county judge of Bland and Giles :

Whole number of votes cast,	-	-	-	106
Necessary to a choice,	-	-	-	54
Of which P. W. Strother received	-	-	-	105
James M. French received	-	-	-	1

For county judge of Culpeper :

Whole number of votes cast,	-	-	-	107
Necessary to a choice,	-	-	-	54

Of which Jno. W. Bell received	-	-	105
W. W. Lewis received	-	-	1
James Barbour received	-	-	1
For county judge of Floyd:			
Whole number of votes cast,	-	-	107
Necessary to a choice,	-	-	54
Of which Z. T. Dobyns received	-	-	107
For county judge of Loudoun:			
Whole number of votes cast,	-	-	105
Necessary to a choice,	-	-	53
Of which C. B. Ball received	-	-	102
Jno. W. Minor received	-	-	3

Thomas C. Paramore, P. W. Strother, Jno. W. Bell, Z. T. Dobyns, and C. B. Ball, having each received a majority of all the votes cast, were severally declared duly elected county judges for their respective counties for the constitutional term of that office, commencing on the 1st of January, 1874.

A message was received from the House of Delegates by Mr. Fitzgerald, who informed the Senate that in the further execution of the joint order, the following gentlemen had been placed in nomination in that House for the office of county judge, viz:

For the county of Mecklenburg—Henry Wood, Jr.

For the counties of New Kent and Charles City—Isaac H. Christian.

For the county of Northampton—Hamilton S. Neale.

For the county of Nottoway—Wm. H. Mann.

For the county of Roanoke—G. P. Board.

On motion of Mr. Johnson, it was

Ordered, That he inform the House of Delegates that no additional nominations had been made in the Senate.

The roll was then called for the election of county judge for Mecklenburg, with the following result:

For Henry Wood, Jr., - - - - 24

Senators who voted for Mr. Wood, are—Messrs. Anderson of Pittsylvania, Anderson of Rockbridge, Beazley, Boykin, Cochran, Connally, French, Herndon, Holladay, Johnson, Kirkpatrick, Lackland, Meem, Nowlin, Perrin, Pridemore, Quesenberry, Rixey, Roller, Smith, Taylor of Loudoun, Taylor of Norfolk city, Ward, and Wynne—24.

The roll was then called for the election of county judge for the district composed of the counties of New Kent and Charles City, with the following result:

For Isaac H. Christian, - - - - 23

For B. B. Jones, - - - - 1

For R. G. W. Jones, - - - - 1

Senators who voted for Mr. Christian, are—Messrs. Anderson of Pittsylvania, Anderson of Rockbridge, Beazley, Boykin, Cochran, Connally, French, Herndon, Holladay, Johnson, Lackland, Meem, Nowlin, Perrin, Pridemore, Quesenberry, Rixey, Roller, Smith, Taylor of Loudoun, Taylor of Norfolk city, Ward, and Wynne—23.

Senator who voted for Mr. B. B. Jones, is—Mr. Massey—1.

Senator who voted for Mr. R. G. W. Jones, is—Mr. Norton—1.

The roll was then called for the election of county judge for Northampton, with the following result:

For Hamilton S. Neale,	-	-	-	22
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For Joseph Powers,	-	-	-	1
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Senators who voted for Mr. Neale, are—Messrs. Anderson of Pennsylvania, Anderson of Rockbridge, Beazley, Boykin, Cochran, Connally, French, Herndon, Johnson, Lackland, Meem, Nowlin, Perrin, Pridemore, Quesenberry, Rixey, Roller, Smith, Taylor of Loudoun, Taylor of Norfolk city, Ward, and Wynne—22.

Senator who voted for Mr. Powers, is—Mr. Massey—1.

The roll was then called for the election of county judge for Nottoway, with the following result:

For Wm. H. Mann,	-	-	-	23
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Senators who voted for Mr. Mann, are—Messrs. Anderson of Pennsylvania, Anderson of Rockbridge, Beazley, Boykin, Cochran, French, Grimsley, Herndon, Holladay, Johnson, Lackland, Meem, Nowlin, Perrin, Pridemore, Quesenberry, Rixey, Roller, Smith, Taylor of Loudoun, Taylor of Norfolk city, Ward, and Wynne—23.

The roll was then called for the election of county judge for Roanoke, with the following result:

For G. B. Board,	-	-	-	24
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Senators who voted for Mr. Board, are—Messrs. Anderson of Pennsylvania, Anderson of Rockbridge, Beazley, Boykin, Cochran, French, Grimsley, Herndon, Holladay, Johnson, Kirkpatrick, Lackland, Meem, Nowlin, Perrin, Pridemore, Quesenberry, Rixey, Roller, Smith, Taylor of Loudoun, Taylor of Norfolk city, Ward, and Wynne—24.

The President appointed Messrs. Nowlin and Johnson a committee on the part of the Senate to meet a similar committee on the part of the House of Delegates, and count the joint vote of the persons voted for, for the office of county judge for each of the five preceding judicial districts.

The committee reported through their chairman, Mr. Nowlin, as follows:

For county judge of Mecklenburg:

Whole number of votes cast,	-	-	-	105
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Necessary to a choice,	-	-	-	53
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Of which Henry Wood received	-	-	-	105
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For county judge of New Kent and Charles City:

Whole number of votes cast,	-	-	-	107
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Necessary to a choice,	-	-	-	54
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Of which Isaac H. Christian received	-	-	-	105
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B. B. Jones received	-	-	-	1
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R. G. W. Jones received	-	-	-	1
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For county judge of Northampton:

Whole number of votes cast,	-	-	-	107
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Necessary to a choice,	-	-	-	54
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Of which H. S. Neale received	-	-	106
Joseph Powers received	-	-	1
For county judge of Nottoway:			
Whole number of votes cast,	-	-	106
Necessary to a choice,	-	-	54
Of which Wm. H. Mann received	-	-	106
For county judge of Roanoke:			
Whole number of votes cast,	-	-	107
Necessary to a choice,	-	-	54
Of which G. B. Board received	-	-	107

Henry Wood, Jr., Isaac H. Christian, Hamilton S. Neale, Wm. H. Mann, and G. B. Board, having each received a majority of all the votes cast, were severally declared duly elected county judges for their respective counties for the constitutional term of that office, commencing on the 1st of January, 1874.

A message was received from the House of Delegates by Mr. Coghill, who informed the Senate that in the further execution of the joint order, the following gentlemen had been placed in nomination in that House for the office of county judge, viz :

For the county of Rockingham—Chas. T. O'Ferrall.

For the county of Tazewell—Wm. P. Cecil.

For the counties of Wythe and Pulaski—Wm. H. Bolling.

For the counties of Mathews and Middlesex—Thomas J. Christian.

For the county of Goochland, to fill the vacancy caused by the resignation of Judge A. K. Leake—Isaac W. Pleasants.

On motion of Mr. Roller, it was

Ordered, That he inform the House of Delegates that no additional nominations had been made in the Senate.

The roll was then called for the election of county judge for Rockingham, with the following result:

For Charles T. O'Ferrall, - - - - - 27

Senators who voted for Mr. O'Ferrall, are—Messrs. Anderson of Pittsylvania, Anderson of Rockbridge, Beazley, Boykin, Cochran, French, Greever, Grimsley, Herndon, Holladay, Johnson, Lackland, Martin, Massey, Meem, Norton, Nowlin, Patterson, Pridemore, Quesenberry, Rixey, Roller, Smith, Taylor of Loudoun, Ward, and Wynne—26.

The roll was then called for the election of county judge for Tazewell, with the following result:

For Wm. P. Cecil, - - - - - 23

Senators who voted for Mr. Cecil, are—Messrs. Anderson of Pittsylvania, Anderson of Rockbridge, Beazley, Boykin, Cochran, French, Greever, Grimsley, Herndon, Holladay, Johnson, Kirkpatrick, Lackland, Meem, Nowlin, Patterson, Pridemore, Quesenberry, Rixey, Smith, Taylor of Loudoun, Ward, and Wynne—23.

The roll was then called for the election of county judge for the district composed of the counties of Wythe and Pulaski, with the following result:

For Wm. H. Bolling, - - - - - 24

For Joseph Graham, - - - - - 2

Senators who voted for Mr. Bolling, are—Messrs. Anderson of Pittsylvania, Anderson of Rockbridge, Beazley, Boykin, Cochran, French, Greever, Grimsley, Herndon, Holladay, Johnson, Kirkpatrick, Lackland, Meem, Nowlin, Patterson, Perrin, Pridemore, Quesenberry, Rixey, Smith, Taylor of Loudoun, Ward, and Wynne—24.

Senators who voted for Mr. Graham, are—Messrs. Martin and Massey—2.

The roll was then called for the election of county judge for the district composed of the counties of Mathews and Middlesex, with the following result:

For Thomas J. Christian,	26
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Senators who voted for Mr. Christian, are—Messrs. Anderson of Pittsylvania, Anderson of Rockbridge, Beazley, Boykin, Cochran, French, Greever, Grimsley, Herndon, Holladay, Johnson, Kirkpatrick, Lackland, Martin, Massey, Meem, Nowlin, Patterson, Perrin, Pridemore, Quesenberry, Rixey, Smith, Taylor of Loudoun, Ward, and Wynne—26.

The roll was then called for the election of county judge to fill the vacancy caused by the resignation of A. K. Leake as county judge of Goochland, with the following result:

For Isaac W. Pleasants,	26
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For Hector N. Davis,	1
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Senators who voted for Mr. Pleasants, are—Messrs. Anderson of Pittsylvania, Anderson of Rockbridge, Beazley, Boykin, Cochran, French, Greever, Grimsley, Herndon, Holladay, Johnson, Kirkpatrick, Lackland, Martin, Meem, Nowlin, Patterson, Perrin, Pridemore, Quesenberry, Rixey, Roller, Smith, Taylor of Loudoun, Ward, and Wynne—26.

Senator who voted for Mr. Davis, is—Mr. Massey—1.

The President appointed Messrs. Meem and Greever a committee on the part of the Senate to meet a similar committee on the part of the House of Delegates, and count the joint vote for the persons voted for, for the office of county judge for each of the five preceding judicial districts.

The committee reported through their chairman, Mr. Meem, as follows:

For county judge of Rockingham :

Whole number of votes cast,	-	-	-	99
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Necessary to a choice,	-	-	-	50
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Of which C. T. O'Ferrall received	-	-	-	99
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For county judge of Tazewell :

Whole number of votes cast,	-	-	-	99
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Necessary to a choice,	-	-	-	50
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Of which Wm. P. Cecil received	-	-	-	99
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For county judge of Wythe and Pulaski :

Whole number of votes cast,	-	-	-	110
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Necessary to a choice,	-	-	-	56
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Of which Wm. H. Bolling received	-	-	-	108
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Joseph Graham received	-	-	-	2
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For county judge of Mathews and Middlesex :

Whole number of votes cast,	-	-	-	110
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Necessary to a choice,	-	-	-	56
Of which T. J. Christian received	-	-	-	110
For county judge of Goochland, for the unexpired term of Judge A. K. Leake, resigned:				

Whole number of votes cast,	-	-	-	116
Necessary to a choice,	-	-	-	59
Of which Isaac W. Pleasants received	-	-	-	111
Hector N. Davis received	-	-	-	1
Henry Turpin received	-	-	-	4

Charles T. O'Ferrall, Wm. P. Cecil, Wm. H. Bolling, and Thomas J. Christian, having each received a majority of all the votes cast, were severally declared duly elected county judges for their respective counties for the constitutional term of that office, commencing on the 1st of January, 1874.

Isaac W. Pleasants, having received a majority of all the votes cast for county judge of Goochland, to fill the vacancy caused by the resignation of Judge A. K. Leake, was declared duly elected county judge for the unexpired term of Judge Leake.

A message was received from the House of Delegates by Mr. Head, who informed the Senate that that house had agreed to the following joint resolution:

Resolved (the Senate concurring), That the further execution of the joint order, which has for its object the election of county judges, be postponed until Friday next at 12 o'clock M.

The resolution was taken up, and the question on agreeing thereto being put, was determined in the affirmative.

On motion of Mr. Kirkpatrick, it was

Ordered, That he inform the House of Delegates thereof.

No. 332, House bill to authorize the Board of Supervisors of Craig county and Alleghany county to contract for keeping in repair certain public roads in said counties, was read twice—when

Mr. Lackland moved to amend the bill by striking out, in the 2d line, the words "Craig and Alleghany counties," and inserting in lieu thereof the words "Alleghany county"—pending which,

On motion of Mr. Taylor of Norfolk city, the bill was referred to the committee on roads and internal navigation.

No. 379, House bill to amend and re-enact section 1 of an act entitled an act to provide for a new charter for the town of Charlottesville, approved March 28th, 1871, was read twice, and, on motion of Mr. Beazley, the rules being suspended, was read the third time and passed with its title.

Ordered, That the clerk inform the House of Delegates thereof.

No. 374, House bill to authorize the trustees of the parsonage property for Atlantic circuit, Methodist Episcopal Church, South, to sell the same, was read twice, and, on motion of Mr. Johnson, the rule requiring the commitment of the same being suspended, was read the third time and passed with its title.

Ordered, That the clerk inform the House of Delegates thereof.

No. 292, House bill to authorize Stephen Thomas, former sheriff of

Grayson county, to collect unpaid tax tickets, fee bills, and county levies for the years 1859 and 1860, under certain restrictions, was read twice—when

Mr. Nowlin moved to suspend the rule requiring the commitment of the same; and on this proposition Mr. Meem demanded the pending question, which was ordered, and being put, was determined in the negative.

The bill was then referred to the committee on finance.

No. 236, House bill providing for the sale of certain estate devised and bequeathed by William A. Christian, deceased, was read twice, and, on motion of Mr. French, the rule requiring the commitment of the same being suspended, was read the third time and passed with its title.

Ordered, That the clerk inform the House of Delegates thereof.

No. 300, House bill to authorize the circuit court of the county of Pulaski to decree and confirm a sale of certain real estate of Mrs. S. McG. Buford and children, was read twice, and, on motion of Mr. French, the rule requiring the commitment of the same being suspended, was read the third time and passed with its title.

Ordered, That the clerk inform the House of Delegates thereof.

No. 347, House bill providing for working and keeping in proper repair the roads of Fauquier county, was read twice, and, on motion of Mr. Rixey, the rule requiring the commitment of the same being suspended, was read the third time and passed with its title.

Ordered, That the clerk inform the House of Delegates thereof.

No. 356, House bill to authorize the Leesburg and Aldie Turnpike Company to issue preferred stock, was read twice, and, on motion of Mr. Taylor of Loudoun, the rule requiring the commitment of the same being suspended, was read the third time and passed with its title.

Ordered, That the clerk inform the House of Delegates thereof.

No. 321, House bill for the protection of fish in Jackson's and Cowpasture rivers and their tributaries, from the junction of said rivers to the boundary line between the counties of Bath and Highland, was read twice, and, on motion of Mr. French, the rule requiring the commitment of the same being suspended, was read the third time and passed with its title.

Ordered, That the clerk inform the House of Delegates thereof.

No. 218, House bill to make James river a lawful fence in the county of Amherst, was read twice, and, on motion of Mr. Johnson, the rule requiring the commitment of the same being suspended, was read the third time and passed with its title.

Mr. Taylor of Norfolk city, from the committee on roads and internal navigation, reported without amendment,

No. 319, House bill entitled an act to amend the 1st, 4th and 7th sections of an act entitled an act to incorporate the Burkeville, Lunenburg and Mecklenburg Railroad Company, approved November 5th, 1870.

He, from the same committee, reported without amendment,

No. 212, Senate bill to incorporate the Powell's River Navigation Company, and to prescribe the duties thereof.

And he, from the same committee, reported without amendment, No. 324, Senate bill incorporating the Rappahannock and Hanover Junction Railroad Company.

Mr. Thomas, from the committee on finance, reported with amendments,

No. 140, House bill entitled an act to prohibit the receiving of coupons for all portions of the public revenue set apart by the Constitution for public free school purposes and for the permanent Literary Fund.

And he, from the same committee, presented

No. 344, A bill to impose a stamp tax on wholesale dealing in distilled spirits; which, on his motion, was read the first, and ordered to be read a second time.

Mr. Kirkpatrick, from the committee of conference to consider the disagreeing votes of the two houses concerning House bill, No. 159, in relation to the interest on money or other thing, presented the following report:

The committee of conference appointed to take into consideration the disagreeing votes of the two houses on House bill, No. 159, entitled "an act in relation to the interest on money or other thing," submit the following report:

1st. They recommend that the Senate recede from its amendment by way of substitute to said bill, and said House bill be amended by adding at the end of the 1st section the following: "But it shall be lawful to receive any rate of interest not exceeding eight per centum per annum, which may be agreed upon by the original parties thereto, and be specified in the bond, note or other writing evidencing the debt."

2d. They recommend that section 3 be stricken out.

3d. They recommend that, in sections 7, 8 and 9, the words "one half," wherever they occur, be stricken out, and the words "two-thirds" be substituted therefor.

4th. They recommend that the following words be stricken from the 7th section: "every such bank shall so regulate its loans and discounts that they shall not exceed twice the amount of the capital actually paid in.

Respectfully submitted,

THOMAS J. KIRKPATRICK,
Chairman Senate Committee.

R. A. COGHILL,
Chairman Committee House of Delegates.

A message was received from the House of Delegates by Mr. Coghill, who informed the Senate that that House had agreed to the report of the committee of conference on the disagreeing votes of the two houses on House bill, No. 159, in relation to the interest on money or other thing.

The bill, together with the report of the committee, was taken up, on motion of Mr. Kirkpatrick, and, on his further motion, was laid on the table and made the order of the day for to-morrow at 12 o'clock.

Mr. Herndon, by leave, presented

No 345, A bill to authorize the Fredericksburg, Orange and Charlottesville Railroad Company to create a new and first mortgage on its property and franchises; which, on his motion was read the first, and ordered to be read a second time.

Mr. French, by leave, presented

No. 346, A bill for the relief of the sureties of John Thompson, late sheriff of Tazewell county; which, on his motion, was read the first, and ordered to be read a second time, and, on his further motion (two-thirds concurring), was read the second time—when,

On motion of Mr. Nowlin, the bill was amended, and, as amended, ordered to be engrossed and read a third time.

Mr. French, by leave, presented

No. 347, A bill for the relief of the sureties of Rees B. Gillespie, late sheriff of Tazewell county; which, on his motion, was read the first, and ordered to be read a second time.

Mr. Taylor of Norfolk city, by leave, presented

No. 348, A bill to amend and re-enact the 3d section of an act to incorporate the Roanoke Land, Immigration and Savings Bank Company, approved March 23d, 1872; which, on his motion, was read the first, and ordered to be read a second time.

No. 268, Senate bill directing the Auditor of Public Accounts to receive from the sureties of Robert T. Vaughan, late sheriff of Goochland county, coupon bonds of the State in payment of their liabilities as such sureties, was taken up, on motion of Mr. Wynne, and the question on the passage thereof being put, was determined, for want of a constitutional majority, in the negative—ayes 19, noes 8.

The vote was recorded as follows:

Ayes—Messrs. Anderson of Pittsylvania, Beazley, Boykin, French, Greene, Grimsley, Herndon, Holladay, Johnson, Martin, Meem, Norton, Nowlin, Rixey, Stevens, Taylor of Loudoun, Thomas, Ward, and Wynne—19.

Noes—Messrs. Anderson of Rockbridge, Greever, Lackland, Perrin, Pridemore, Quesenberry, Smith, and Taylor of Norfolk city—8.

On motion of Mr. Lackland, the vote by which the bill was rejected was reconsidered, and the question recurring on its passage—and pending which

Mr. French offered the following resolution :

Resolved, That when the Senate adjourns, it adjourn to meet at eight o'clock to-night.

The question on agreeing to the resolution being put, was determined in the affirmative—ayes 16, noes 11.

On motion of Mr. Thomas, the vote was recorded as follows :

Ayes—Messrs. Anderson of Pittsylvania, Anderson of Rockbridge, Beazley, French, Greever, Holladay, Lackland, Meem, Perrin, Pridemore, Quesenberry, Roller, Smith, Taylor of Loudoun, Taylor of Norfolk city, and Ward—16.

Noes—Messrs. Boykin, Greene, Herndon, Johnson, Kirkpatrick, Martin, Norton, Nowlin, Rixey, Thomas, and Wynne—11. Whereupon,

On motion of Mr. French, the Senate adjourned.

EVENING SESSION.

No. 268, Senate bill directing the Auditor of Public Accounts to receive from the sureties of Robert F. Vaughan, late sheriff of Goochland county, coupon bonds of the State in payment of their liabilities as such sureties, being the unfinished business of this morning, was taken up, and, on motion of Mr. Thomas, the vote by which the bill was ordered to be engrossed and read a third time was reconsidered; and, on his further motion, the bill was referred to the committee on finance.

On motion of Mr. Anderson of Pittsylvania, Mr. Fitzpatrick was granted leave of absence for three days.

On motion of Mr. Ward, Mr. Martin was granted leave of absence for this evening.

Joint resolutions proposing an amendment to section 6 of article 5th of the Constitution of Virginia, in relation to the powers and duties of the General Assembly, for publishing said amendment, and certifying the same to the next General Assembly, being the unfinished business of Friday, the 21st instant, was taken up, and ordered to be engrossed and read a third time.

No. 315, Senate bill in relation to actions in detinue, was taken up, read the third time and passed with its title.

Ordered, That the clerk inform the House of Delegates thereof and request their concurrence therein.

No. 222, Senate bill to amend and re-enact the 2nd and 3rd sections of an act approved March 30th, 1871, entitled an act to provide for the funding and payment of the public debt, was taken up, read the third time, and, on motion of Mr. Anderson of Rockbridge, was laid on the table and made the order of the day for to-morrow at half-past twelve o'clock.

No. 128, Senate bill to amend and re-enact section 4 of chapter 169 of the Code of Virginia (edition of 1860), in regard to writs of mandamus, prohibition and certiorari, was taken up, read the third time, and the question on the passage thereof being put, was determined in the affirmative, on division—ayes 17, noes 6.

The title was then agreed to.

Ordered, That the clerk inform the House of Delegates thereof and request their concurrence therein.

No. 293, Senate bill authorizing the Board of Education to fund the bonds of Virginia belonging to the Literary Fund, was taken up, read the third time, and, on motion of Mr. Anderson of Rockbridge (by general consent), was modified by inserting after the words "bonds of this State" the words "which registered bonds shall not be converted into coupon bonds."

Mr. Taylor of Loudoun moved to reconsider the vote by which the bill was ordered to its engrossment and third reading; and on this proposition

Mr. Meem demanded the pending question, which was ordered, and being put, was determined in the negative. Thereupon

Mr. Anderson of Rockbridge, moved to lay the bill on the table and make it the order of the day for to-morrow at two o'clock.

Mr. Johnson moved to amend the motion so as to make it the order for Tuesday next; and the question being put thereon, was determined in the negative—ayes 9, noes 13.

On motion of Mr. Anderson of Rockbridge, the vote was recorded as follows:

Ayes—Messrs. Boykin, Herndon, Johnson, Meem, Perrin, Pride-more, Smith, Taylor of Norfolk city, and Ward—9.

Noes—Messrs. Anderson of Rockbridge, Beazley, Connally, French, Greever, Grimsley, Kirkpatrick, Lewis, Norton, Nowlin, Roller, Taylor of Loudoun, and Thomas—13.

The question recurring on agreeing to the motion of Mr. Anderson of Rockbridge, and being put, was determined in the affirmative.

No. 155, Senate bill to authorize the city of Richmond to contribute to the building of a railroad from Keysville to Clarkesville, was taken up, read the third time and passed with its title.

No. 251, Senate bill to amend the charter of the Atlantic, Chesapeake and Ohio Transportation and Towing Company, was taken up, read the third time and passed with its title.

No. 273, Senate bill supplemental to the act entitled an act to require manufacturers of fertilizers to label their packages with a correct analysis of the same, in force March 29th, 1871, so as to more effectually prevent the sale of spurious and adulterated fertilizers, was taken up, read the third time and passed with its title.

No. 290, Senate bill to authorize the corporate authorities of the town of Liberty to borrow money, was taken up, read the third time and passed with its title.

No. 308, Senate bill to amend the charter of the city of Richmond, was taken up, read the third time and passed with its title.

No. 314, Senate bill to amend and re-enact the 5th section of an act entitled an act to amend the charter of the town of Christiansburg and extending the limits of the same, was taken up, read the third time, and passed with its title.

Ordered, That the clerk inform the House of Delegates of the passage of the six preceding bills and request their concurrence therein.

No. 316, Senate bill to auhorize the circuit court of the county of Pulaski to decree and confirm a sale of certain real estate of Mrs. S. McG. Buford and her children, was taken up, read the third time, and, on motion of Mr. Meem, was indefinitely postponed (a similar bill having passed both Houses).

No 317, Senate bill to amend and re-enact the 2nd section of an act approved March 22nd, 1871, entitled an act to incorporate the town of Blacksburg, in the county of Montgomery, was taken up, read the third time and passed with its title.

Ordered, That the clerk inform the House of Delegates thereof and request their concurrence therein.

No. 318, Senate bill for the relief of Joel L. Walker, administrator

of the estate of David Bruce, deceased, was taken up, read the third time, and, on motion of Mr. Anderson of Pittsylvania was laid on the table.

No. 108, Senate bill to incorporate the Woodstock and Lost River Turnpike Company, was taken up, read the third time and passed with its title.

No. 319, Senate bill declaring certain parts of the Chickahominy river, a public highway, was taken up, read the third time and passed with its title.

No. 321, Senate bill to amend and re-enact an act passed December 19th, 1866, entitled an act to incorporate the Southwestern Virginia Mining, Smelting and Transportation Company, was taken up, read the third time and passed with its title.

No. 283, Senate bill to provide the manner in which certain stock may be voted at the meeting of the internal improvement companies of the State, was taken up, read the third time, and passed with its title.

No. 325, Senate bill to incorporate the bank of Tazewell, was taken up, read the third time and passed with its title.

No. 327, Senate bill to repeal and re-enact an act passed April 3rd, 1839, incorporating the Pearisburg Academy Association, was taken up, read the third time and passed with its title.

No. 246, Senate bill to amend and re-enact section 2nd of chapter 151, Code of 1860, in relation to attachments, was taken up, read the third time and passed with its title.

Ordered, That the clerk inform the House of Delegates of the passage of the seven preceding bills and request their concurrence therein.

No. 65, Senate bill in relation to the Norfolk and Southern Railroad Company, was taken up, read the third time, and having been (by general consent) modified by Mr. Taylor of Norfolk city, passed with its title.

No. 322, Senate bill to incorporate the Danville and Franklin Railroad Company, was taken up, read the third time and passed with its title.

No. 329, Senate bill to authorize the trustees of Main Street Methodist Episcopal Church, South, in Danville, to borrow money, was taken up, read the third time and passed with its title.

Ordered, That the clerk inform the House of Delegates of the passage of the three preceding bills and request their concurrence therein.

No. 330, Senate bill to authorize the Leesburg and Aldie Turnpike Company to issue preferred stock, was taken up, read the third time, and, on motion of Mr. Taylor of Loudoun, was indefinitely postponed (a similar bill from the House of Delegates having passed).

No. 331, Senate bill to incorporate the Oakland Institute at Doe Hill, Highland county Virginia, was taken up, read the third time and passed with its title.

No. 332, Senate bill to incorporate the Rockbridge McAdam Road Company, was taken up, read the third time and passed with its title.

No. 323, Senate bill to allow judges of certain corporation or hustings courts to practice law, was taken up, read the third time and passed with its title.

Ordered, That the clerk inform the House of Delegates of the passage of the three preceding bills and request their concurrence therein.

No. 333, Senate bill to authorize the judge of the eleventh judicial circuit to certify certain claims for services as experts in the trial of a case of murder in the county of Loudoun, was taken up, read the third time, and, on motion of Mr. Taylor of Loudoun, was laid on the table and made the order of the day for to-morrow at twelve o'clock.

No. 334, Senate bill to authorize the county of Surry to borrow money to re-build the jail recently destroyed by fire, was taken up, read the third time, and passed with its title.

Ordered, That the clerk inform the House of Delegates thereof and request their concurrence therein.

Mr. Smith made an unsuccessful motion to take up the following bill:

No. 287, Senate bill to amend and re-enact sections 6, 8, and 9 of chapter 90 of Code of 1860, in relation to weighing and selling live stock.

The following bills were taken up, read the second, and ordered to be engrossed and read a third time:

No. 336, Senate bill to authorize the district school boards of Wythe county to apply unexpended district funds to the payment of teachers' salaries.

No. 330, Senate bill to amend and re-enact an act approved March 13th, 1872, entitled an act for the relief of the late sheriffs of Pennsylvania county.

No. 338, Senate bill to amend the 58th section of the act passed at the present session of the General Assembly, entitled an act for the preservation of oysters, and to obtain a revenue for the privilege of taking them within the waters of the Commonwealth.

No. 339, Senate bill for the relief of the estate of James M. Dunton, late sheriff of the county of Northampton.

No. 340, Senate bill to incorporate the Augusta Paper Mill Company.

No. 342, Senate bill to authorize the common council of Petersburg to issue bonds to the amount of one hundred and fifty thousand dollars for the purpose of paying off the indebtedness of said city.

No. 343, Senate bill to incorporate the Virginia Iron and Land Company.

No. 212, Senate bill to incorporate the Powell's River Navigation Company and to prescribe the duties thereof; and

No. 324, Senate bill incorporating the Rappahannock and Hanover Junction Railroad Company.

No. 282, Senate bill imposing a tax for the transferring bonds or certificates of debt of the Commonwealth, was taken up, read the first time, and ordered to be read a second time.

No. 328, Senate bill for the relief of A. A. Hobson, John M. Williams, and John D. Scott, was taken up, read the first time, and ordered to be engrossed and read a third time.

On motion of Mr. Perrin, the Senate adjourned until to-morrow, eleven o'clock.

WEDNESDAY, MARCH 26, 1873.

A communication from the House of Delegates, by their clerk, was read as follows:

In House of Delegates, March 25, 1873.

The House of Delegates have passed Senate bills entitled an act to amend and re-enact section 2 of chapter 80 of the Code of 1860, in relation to funds from gifts, grants, devises, and bequests, No. 186; an act to authorize the Board of Supervisors for Craig county to contract for keeping in repair so much of Price's turnpike road as lies in said county, No. 274; an act to amend and re-enact sections 5 and 7 of an act to regulate and define the jurisdiction of the county and circuit courts, to prescribe the number of terms of the circuit courts, and to fix the pay of county judges, No. 309. They have passed, with amendments, Senate bills entitled an act to amend and re-enact sections 6, 10, and 11 of an act approved the 5th day of February, 1873, entitled an act to incorporate the Richmond Building and Improvement Company, and to repeal the 5th section of said act, No. 254; an act to amend and re-enact section 8, chapter 186 of the Code of Virginia, as amended and re-enacted by chapter 175 of the Session Acts of 1871-2, in regard to judgment liens, No. 110.

They have passed House bills entitled an act to amend and re-enact section 33 of chapter 184 of the Code of Virginia (edition of 1860), and to provide for a more economical mode of transportation of convicts to the penitentiary, No. 244; joint resolutions proposing amendments to sections 1, 2, 3, and 4 of the 7th article of the Constitution of this Commonwealth, in relation to county organization, for publishing said amendments, and certifying the same to the next General Assembly, No. 287; in which amendments and bills they respectfully ask the concurrence of the Senate.

No. 244, A bill entitled an act to amend and re-enact section 33 of chapter 184 of the Code of Virginia (edition of 1860), and to provide for a more economical mode of transportation of convicts to the penitentiary, was read twice, and, on motion of Mr. Nowlin, the rule requiring the commitment of the same being suspended, was read the third time and passed with its title.

Ordered, That the clerk inform the House of Delegates thereof.

No. 287, House joint resolutions proposing amendments to sections 1, 2, 3, and 4 of the 7th article of the Constitution of this Commonwealth, in relation to county organization, for publishing said amendments, and certifying the same to the next General Assembly, were taken up, read twice, and, on motion of Mr. Nowlin, the rule requiring the commitment of the same was suspended—when

Mr. Lackland moved to amend the same by striking out, in the proposed amendment to article 7, the words "one county treasurer;" and the question being put thereon, was determined in the negative.

The resolutions were then read the third time; and the question on

agreeing thereto being put, was determined in the affirmative—ayes 28, noes 8.

The vote was recorded as follows:

Ayes—Messrs. Anderson of Pittsylvania, Beazley, Boykin, Greever, Grimsley, Herndon, Johnson, Kirkpatrick, Lackland, Lewis, Massey, Meem, Nowlin, Patterson, Perrin, Pridemore, Quesenberry, Rixey, Smith, Taylor of Loudoun, Taylor of Norfolk city, Ward, and Wynne—28.

Noes—Messrs. Graham, Greene, Lathrop, Martin, Norton, Nutting, Rue, and Stevens—8.

Ordered, That the clerk inform the House of Delegates thereof.

No. 254, Senate bill entitled an act to amend and re-enact sections 6, 10, and 11 of an act approved the 1st day of February, 1873, entitled an act to incorporate the Richmond Building and Improvement Company, and to repeal the 5th section of said act, with the amendment proposed by the House of Delegates, was taken up, and the amendment agreed to.

Ordered, That the clerk inform the House of Delegates thereof.

No. 110, Senate bill entitled an act to amend and re-enact section 8, chapter 186 of the Code of Virginia, as amended and re-enacted by chapter 175 of the Session Acts of 1871-2, in regard to judgment liens, with the amendment proposed by the House of Delegates, was taken up, and the amendment agreed to.

Ordered, That the clerk inform the House of Delegates thereof.

Mr. Taylor of Norfolk city, from the committee on roads and internal navigation, reported without amendment,

No. 305, Senate bill to incorporate the Chesapeake and Albemarle Railway Company.

Mr. Grimsley, from the committee on county, city, and town organizations, reported without amendment,

No. 197, House bill entitled an act to authorize the Board of Supervisors of the several counties to appoint a physician and nurse to attend the poor and to regulate their compensation.

And he, from the same committee, reported without amendment,

No. 163, House bill entitled an act to amend and re-enact an act entitled an act to fix the compensation of the members of the Board of Supervisors of Lee, Wise, Scott, Buchanan, Russell, and Bland counties, and for other purposes, approved March 21st, 1872.

Mr. Thomas, from the committee on finance, reported without amendment,

No. 268, Senate bill directing the Auditor of Public Accounts to receive from the sureties of Robert F. Vaughan, late sheriff of Goochland county, coupon bonds of the State in payment of their liabilities as such sureties.

Mr. Quesenberry offered the following joint resolution, which lies over under the rules:

Resolved by the General Assembly, That the Auditor of Public Accounts be and he is hereby directed to take such steps and give such directions to the proper officers as to require that all licenses granted by the Commonwealth shall be paid for in currency.

No. 241, Senate bill to secure the capitol and State court-room more effectually against fire, was taken up, on motion of Mr. Greever; and the question on its passage being put, was determined, for want of a constitutional majority, in the negative—ayes 20, noes 7.

The vote was recorded as follows:

Ayes—Messrs. Anderson of Pittsylvania, Anderson of Rockbridge, Beazley, Graham, Greene, Greever, Herndon, Johnson, Lackland, Martin, Meem, Norton, Nowlin, Nutting, Rixey, Roller, Rue, Taylor of Loudoun, Ward, and Wynne—20.

Noes—Messrs. Connally, Massey, Patterson, Perrin, Pridemore, Quesenberry, and Taylor of Norfolk city—7.

No. 199, Senate bill to amend and re-enact section 6 of an act entitled an act prescribing the duties and compensation of county officers, approved March 13th, 1872, was taken up, on motion of Mr. Boykin, read the second, and ordered to be engrossed and read a third time; and being forthwith engrossed, was, on motion of Mr. Taylor of Norfolk city (by general consent), amended; and, on his further motion (two-thirds concurring), was read the third time and passed with its title.

Ordered, That the clerk inform the House of Delegates thereof and request their concurrence therein.

No. 345, Senate bill to authorize the Fredericksburg, Orange and Charlottesville Railroad Company to create a new and first mortgage on its property and franchises, was taken up, on motion of Mr. Herndon, read the second, and ordered to be engrossed and read a third time; and being forthwith engrossed, was, on his motion (two-thirds concurring), read the third time and passed with its title.

Ordered, That the clerk inform the House of Delegates thereof and request their concurrence therein.

Senate joint resolutions proposing an amendment to section 6 of article 5 of the Constitution of Virginia, in relation to the powers and duties of the General Assembly, for publishing said amendment, and certifying the same to the next General Assembly, were taken up, read the third time, and the question on agreeing thereto being put, was determined in the affirmative—ayes 27, noes 8.

The vote was recorded as follows:

Ayes—Messrs. Anderson of Pittsylvania, Anderson of Rockbridge, Beazley, Boykin, Connally, Greene, Greever, Grimsley, Herndon, Johnson, Kirkpatrick, Lackland, Lathrop, Lewis, Meem, Nowlin, Patterson, Perrin, Pridemore, Rixey, Roller, Smith, Taylor of Loudoun, Taylor of Norfolk city, Thomas, Ward, and Wynne—27.

Noes—Messrs. Graham, Martin, Massey, Norton, Nutting, Quesenberry, Rue, and Stevens—8.

Ordered, That the clerk inform the House of Delegates thereof and request their concurrence therein.

No. 346, Senate bill for the relief of the sureties of John Thompson, late sheriff of Tazewell county, was taken up, read the third time, and the question on the passage thereof being put, was determined in the affirmative—ayes 27.

Noes—none.

The vote was recorded as follows:

Ayes—Messrs. Anderson of Pittsylvania, Beazley, Cochran, Connelly, Greene, Greever, Grimsley, Herndon, Johnson, Lackland, Martin, Massey, Meem, Norton, Nowlin, Perrin, Pridemore, Quesenberry, Rixey, Roller, Rue, Smith, Taylor of Loudoun, Taylor of Norfolk city, Thomas, Ward, and Wynne—27.

The title was then agreed to.

Ordered, That the clerk inform the House of Delegates thereof and request their concurrence therein.

No. 336, Senate bill to authorize the district school boards of Wythe county to apply unexpended district funds to the payment of teachers' salaries, was taken up, read the third time and passed with its title.

Ordered, That the clerk inform the House of Delegates thereof and request their concurrence.

No. 337, Senate bill to amend and re-enact an act, approved March 13th, 1872, entitled an act for the relief of the late sheriffs of Pittsylvania county, was taken up, read the third time and passed with its title.

Ordered, That the clerk inform the House of Delegates thereof and request their concurrence therein.

No. 338, Senate bill to amend the 58th section of the act passed at the present session of the General Assembly, entitled an act for the preservation of oysters, and to obtain a revenue for the privilege of taking them within the waters of the Commonwealth, was taken up, read the third time and passed with its title.

Ordered, That the clerk inform the House of Delegates thereof and request their concurrence therein.

No. 339, Senate bill for the relief of the estate of James M. Dunton, late sheriff of the county of Northampton, was taken up, read the third time —when

Mr. Thomas moved to lay the bill on the table; and on this motion

Mr. Quesenberry demanded the pending question, which was ordered; and being put, was determined in the affirmative, on division—ayes 14, noes 9.

No. 340, Senate bill to incorporate the Augusta Paper Mill Company, was taken up, read the third time and passed with its title.

No. 342, Senate bill to authorize the Common Council of Petersburg to issue bonds to the amount of \$150,000, for the purpose of paying off the indebtedness of said city, was taken up, read the third time and passed with its title.

No. 343, Senate bill to incorporate the Virginia Iron and Land Company, was taken up, read the third time and passed with its title.

No. 212, Senate bill to incorporate the Powell's River Navigation Company, and to prescribe the duties thereof, was taken up, read the third time and passed with its title.

No. 324, Senate bill incorporating the Rappahannock and Hanover Junction Railroad Company, was taken up, read the third time and passed with its title.

Ordered, That the clerk inform the House of Delegates of the passage of the five preceding bills and request their concurrence therein.

No. 141, House bill entitled an act to amend and re-enact section 1, chapter 101, Code of 1860, in relation to the protection of deer throughout the Commonwealth, was taken up, and, on motion of Mr. Pridemore, laid on the table.

No. 319, House bill entitled an act to amend the 1st, 4th, and 7th sections of an act entitled an act to incorporate the Burkeville, Lunenburg and Mecklenburg Railroad Company, approved November 5th, 1870, was taken up, read the third time and passed with its title.

No. 140, House bill entitled an act to prohibit the receiving of coupons for all portions of the public revenue set apart by the Constitution for public free school purposes and for the permanent Literary Fund, was taken up, and the question on agreeing to the substitute therefor, proposed by the committee on finance, was put, and determined in the affirmative—*ayes* 23, *noes* 4.

On motion of Mr. Ward, the vote was recorded as follows:

Ayes—Messrs. Anderson of Pittsylvania, Anderson of Rockbridge, Beazley, Boykin, Connally, Greene, Greever, Herndon, Holladay, Johnson, Kirkpatrick, Lewis, Nowlin, Nutting, Perrin, Rixey, Roller, Rue, Smith, Taylor of Loudoun, Taylor of Norfolk city, Thomas, and Wynne—23.

Noes—Messrs. Lackland, Martin, Norton, and Ward—4.

The bill, as amended, was then read the third time and passed.

On motion of Mr. Anderson of Rockbridge, the title was amended, and as amended was agreed to in these words:

“An act to set apart the revenue received for public free school purposes and to apply the same to the support of the public free schools of the State.”

On motion of Mr. Greene, it was

Ordered, That Mr. Anderson of Rockbridge inform the House of Delegates thereof and request their concurrence in the amendments.

On motion of Mr. Kirkpatrick, the Senate proceeded to the consideration of the orders of the day, being, first,

The report of the committee of conference on the subject of the disagreeing votes of the two Houses on House bill No. 159, entitled an act in relation to the interest on money or other thing.

The question on agreeing to the report being put, was determined in the negative—*ayes* 16, *noes* 20.

On motion of Mr. Cochran, the vote was recorded as follows:

Ayes—Messrs. Anderson of Rockbridge, Beazley, Boykin, Greever, Grimsley, Herndon, Kirkpatrick, Lackland, Perrin, Pridemore, Rixey, Roller, Rue, Taylor of Loudoun, Thomas, and Ward—16.

Noes—Messrs. Anderson of Pittsylvania, Cochran, Connally, Graham, Greene, Holladay, Johnson, Lathrop, Lewis, Martin, Massey, Meem, Norton, Nowlin, Nutting, Quesenberry, Smith, Stevens, Taylor of Norfolk city, and Wynne—20.

On motion of Mr. Taylor of Norfolk city, it was

Ordered, That he inform the House of Delegates thereof.

No. 333, Senate bill to authorize the judge of the 11th judicial circuit to certify certain claims for services as experts in the trial of a case of mur-

der in the county of Loudoun, being the second order of the day, was taken up, and the question being on the passage of the bill,

Mr. Pridemore moved to lay the bill on the table—when

Mr. Lathrop made an unsuccessful motion to adjourn.

The question recurring on the motion to lay the bill on the table, the same was (by general consent) withdrawn; and the question on the passage of the bill being put, was determined in the negative—ayes 10, noes 16.

The vote was recorded as follows:

Ayes—Messrs. Anderson of Rockbridge, Beazley, Johnson, Kirkpatrick, Lewis, Martin, Taylor of Loudoun, Taylor of Norfolk city, Thomas, and Wynne—10.

Noes—Messrs. Cochran, Connally, Greene, Greever, Grimsley, Herndon, Holladay, Lackland, Lathrop, Norton, Nowlin, Nutting, Perrin, Pridemore, Roller, and Smith—16.

No. 222, Senate bill to amend and re-enact the 2nd and 3rd sections of an act approved March 30th, 1871, entitled an act to provide for the funding and payment of the public debt, being the third order of the day, was taken up, and the question being on the passage of the bill,

Mr. Cochran moved to lay the bill on the table for the purpose of offering a resolution for a committee of conference on the disagreement of the two Houses on the subjects of the report of the committee of conference in reference to House bill No. 159.

The question on agreeing to the motion to lay on the table being put, was determined in the negative—ayes 12, noes 19.

On motion of Mr. Roller, the vote was recorded as follows:

Ayes—Messrs. Cochran, Greever, Grimsley, Lackland, Pridemore, Quesenberry, Rixey, Roller, Rue, Smith, Thomas, and Ward—12.

Noes—Messrs. Anderson of Pittsylvania, Anderson of Rockbridge, Beazley, Boykin, Connally, Graham, Greene, Herndon, Holladay, Johnson, Kirkpatrick, Lathrop, Lewis, Martin, Norton, Perrin, Taylor of Loudoun, Taylor of Norfolk city, and Wynne—19.

The question recurring on the passage of the bill, and being put, was determined in the affirmative—ayes 25, noes 5.

The vote was recorded as follows:

Ayes—Messrs. Anderson of Pittsylvania, Anderson of Rockbridge, Beazley, Boykin, Cochran, Connally, Greene, Grimsley, Herndon, Holladay, Johnson, Kirkpatrick, Lewis, Norton, Nowlin, Nutting, Perrin, Rixey, Roller, Rue, Taylor of Loudoun, Taylor of Norfolk city, Thomas, Ward, and Wynne—25.

Noes—Messrs. Greever, Martin, Pridemore, Quesenberry, and Smith—5

The title of the bill was then agreed to.

Ordered, That the clerk inform the House of Delegates thereof and request their concurrence therein.

No. 293, Senate bill authorizing the Board of Education to fund the bonds of Virginia belonging to the Literary Fund, being the fourth order of the day, was taken up, and the question being on the passage of the bill,

Mr. Anderson of Rockbridge demanded the pending question, which was ordered; and being put, was determined in the affirmative—ayes 23, noes 9.

The vote was recorded as follows:

Ayes—Messrs. Anderson of Pittsylvania, Anderson of Rockbridge, Beazley, Cochran, Connally, Graham, Greene, Grimsley, Herndon, Holladay, Kirkpatrick, Lathrop, Lewis, Martin, Norton, Nowlin, Nutting, Rixey, Roller, Rue, Stevens, Thomas, and Wynne—23.

Noes—Messrs. Boykin, Greever, Johnson, Perrin, Pridemore, Quesenberry, Taylor of Loudoun, Taylor of Norfolk city, and Ward—9.

The title of the bill was then agreed to.

On motion of Mr. Greene, it was

Ordered, That Mr. Anderson of Rockbridge inform the House of Delegates thereof and request their concurrence therein.

No. 259, Senate bill to provide for placing on the commissioners' books the lands in the Commonwealth, and to amend sections 2, 18, 20, 25, and 28 of chapter 37, Code of 1860, in relation to the sales of forfeited and delinquent lands, and for other purposes, was taken up, on motion of Mr. Quesenberry, and ordered to be engrossed and read a third time.

A message was received from the House of Delegates by Mr. Coghill, who informed the Senate that that House had passed a bill to amend and re-enact section 26 of chapter 57, Code of 1860, in relation to certificates of stock, No. 257.

Mr. Cochran offered the following joint resolution, which lies over under the rules:

Resolved (with the concurrence of the House of Delegates), That another committee of conference be appointed, consisting of five members of the Senate and seven members of the House of Delegates, to consider the disagreement between the two Houses on the subjects of the report of the committee of conference in reference to House bill, No. 159, entitled an act in relation to interest on money or other thing.

Mr. Connally moved to adjourn; and the question being put thereon, was determined in the negative—ayes 15, noes 19.

On motion of Mr. Greene, the vote was recorded as follows:

Ayes—Messrs. Boykin, Connally, Graham, Greene, Holladay, Johnson, Kirkpatrick, Lathrop, Lewis, Martin, Norton, Nutting, Perrin, Stevens, and Taylor of Norfolk city—15.

Noes—Messrs. Anderson of Rockbridge, Beazley, Cochran, Greever, Grimsley, Herndon, Lackland, Meem, Nowlin, Pridemore, Quesenberry, Rixey, Roller, Rue, Smith, Taylor of Loudoun, Thomas, Ward, and Wynne—19.

Mr. Cochran moved to suspend the rules for the purpose of taking up the joint resolution; and the question being put thereon, was determined in the affirmative—ayes 18, noes 17.

On motion of Mr. Cochran, the vote was recorded as follows:

Ayes—Messrs. Anderson of Rockbridge, Beazley, Cochran, Greever, Grimsley, Herndon, Lackland, Meem, Nowlin, Pridemore, Quesenberry,

Rixey, Roller, Rue, Smith, Taylor of Loudoun, Thomas, and Ward—18.

Noes—Messrs. Anderson of Pittsylvania, Boykin, Connally, Graham, Greene, Holladay, Johnson, Kirkpatrick, Lathrop, Lewis, Martin, Norton, Nutting, Perrin, Stevens, Taylor of Norfolk city, and Wynne—17.

The question being on the adoption of the resolution,

Mr. Kirkpatrick moved to adjourn; and the question being put thereon, was determined in the negative—ayes 17, noes 18.

On motion of Mr. Taylor of Loudoun, the vote was recorded as follows:

Ayes—Messrs. Boykin, Connally, Graham, Greene, Herndon, Holladay, Johnson, Kirkpatrick, Lathrop, Lewis, Martin, Norton, Nutting, Perrin, Stevens, Taylor of Norfolk city, and Wynne—17.

Noes—Messrs. Anderson of Pittsylvania, Anderson of Rockbridge, Beazley, Cochran, Greever, Grimsley, Lackland, Meem, Nowlin, Pridemore, Quesenberry, Rixey, Roller, Rue, Smith, Taylor of Loudoun, Thomas, and Ward—18.

The question recurring on the adoption of the resolution,

Mr. Taylor of Loudoun demanded the pending question; and the question, "Shall the pending question be now put?" being put, was determined in the affirmative—ayes 19, noes 15.

On motion of Mr. Greene, the vote was recorded as follows:

Ayes—Messrs. Anderson of Pittsylvania, Anderson of Rockbridge, Beazley, Cochran, Greever, Grimsley, Herndon, Lackland, Meem, Nowlin, Pridemore, Quesenberry, Rixey, Roller, Rue, Smith, Taylor of Loudoun, Thomas, and Ward—19.

Noes—Messrs. Boykin, Connally, Graham, Greene, Holladay, Johnson, Kirkpatrick, Lathrop, Lewis, Martin, Norton, Perrin, Stevens, Taylor of Norfolk city, and Wynne—15.

The question on the adoption of the resolution was then put and determined in the affirmative—ayes 18, noes 17.

On motion of Mr. Graham, the vote was recorded as follows:

Ayes—Messrs. Anderson of Rockbridge, Beazley, Cochran, Greever, Grimsley, Herndon, Lackland, Meem, Nowlin, Pridemore, Quesenberry, Rixey, Roller, Rue, Smith, Taylor of Loudoun, Thomas, and Ward—18.

Noes—Messrs. Anderson of Pittsylvania, Boykin, Connally, Graham, Greene, Holladay, Johnson, Kirkpatrick, Lathrop, Lewis, Martin, Norton, Nutting, Perrin, Stevens, Taylor of Norfolk city, and Wynne—17.

Mr. Nutting moved to adjourn; and the question being put thereon, was determined in the negative—ayes 15, noes 16.

On motion of Mr. Thomas, the vote was recorded as follows:

Ayes—Messrs. Anderson of Pittsylvania, Graham, Greene, Holladay, Johnson, Kirkpatrick, Lathrop, Lewis, Martin, Norton, Nutting, Perrin, Stevens, Taylor of Norfolk city, and Wynne—15.

Noes—Messrs. Anderson of Rockbridge, Beazley, Cochran, Greever, Grimsley, Herndon, Lackland, Meem, Pridemore, Quesenberry, Rixey, Roller, Rue, Smith, Taylor of Loudoun, and Thomas—16.

On motion of Mr. Cochran, it was

Ordered, That he inform the House of Delegates of the adoption of the said joint resolution and request their concurrence therein.

On motion of Mr. Herndon, the vote by which the Senate agreed to House joint resolutions proposing amendments to sections 1, 2, 3, and 4 of the 7th article of the Constitution of this Commonwealth, in relation to county organization, for publishing said amendments, and certifying the same to the next General Assembly, was reconsidered, and, on his further motion, the resolutions were laid on the table; and Senate joint resolutions, with the same title, reported from the joint committee on amendments to the Constitution, were then taken up, on motion of Mr. Anderson of Rockbridge—when

Mr. Pridemore offered the following as a substitute for said joint resolutions and amendments, which was agreed to.

Resolved by the Senate and House of Delegates (a majority of the members elected to each of the two Houses agreeing thereto), That the following amendments, and the schedule annexed thereto, be and they are hereby proposed to the Constitution of Virginia, and are hereby referred to the General Assembly, to be chosen at the next general election of Senators and members of the House of Delegates, for its concurrence, in conformity with article 12 of said Constitution, viz:

Strike from the Constitution of Virginia the 1st and 2nd sections of the 7th article, in reference to county organization, which are in these words:

“COUNTY ORGANIZATIONS.

“§ 1. There shall be elected by the qualified voters of the county, one sheriff; one attorney for the Commonwealth, who shall also be the Commonwealth’s attorney for the circuit court; one county clerk, who shall also be the clerk of the circuit court, except that in counties containing fifteen thousand inhabitants there may be a separate clerk for the circuit court; one county treasurer; and one superintendent of the poor. And there shall be appointed in the manner provided for in article 8, one superintendent of schools: provided, that counties containing less than eight thousand inhabitants may be attached to adjoining counties for the formation of districts for superintendent of schools: provided also, that in counties containing thirty thousand inhabitants there may be appointed an additional superintendent of schools therein. All regular elections for county officers shall be held on the first Tuesday after the first Monday in November, and all officers elected or appointed under this provision shall enter upon the duties of their offices on the first day of January next succeeding their election, and shall hold their respective offices for the term of three years, except that the county and circuit court clerks shall hold their offices for four years.

“TOWNSHIPS.

“§ 2. Each county of the State shall be divided into so many compactly located townships as may be deemed necessary, not less than three: pro-

vided, that after three have been formed no additional township shall be made containing less than thirty square miles. Each township shall be known as the township of _____, in the county of _____, and may sue and be sued by such title. In each township there shall be elected annually, one supervisor; one township clerk; one assessor; one collector; one commissioner of roads; one overseer of the poor; one justice of the peace, who shall hold his office three years; one constable, who shall hold his office three years: provided, that at the first election held under this provision there shall be three justices of the peace and three constables elected, whose terms shall be one, two, and three years, respectively. All regular elections for township officers shall take place on the fourth Thursday in May, and all officers so elected shall enter upon the duties of their respective offices on the first day of July next succeeding their election. The supervisors of each township shall constitute the board of supervisors for that county, and shall assemble at the courthouse thereof on the first Monday in December, in each year, and proceed to audit the accounts of said county, examine the books of the assessors, regulate and equalize the valuation of property, fix the county levies for the ensuing year, apportion the same among the various townships, and perform such other duties as shall be prescribed by law."

And insert in lieu thereof the following:

"ARTICLE VIII.

"COUNTY ORGANIZATIONS.

"§ 1. There shall be elected by the qualified voters of the county, one sheriff; one attorney for the Commonwealth, who shall also be the Commonwealth's attorney for the circuit court; one county clerk, who shall be clerk of the circuit court, except that in counties containing fifteen thousand inhabitants there may be a separate clerk for the circuit court; one county treasurer: and so many commissioners of the revenue as may be provided by law; and there shall be appointed in a manner to be provided by law, one superintendent of the poor and one county surveyor; and there shall also be appointed in the manner provided for in article 8, one superintendent of schools. All regular elections for county officers shall be held on the fourth Thursday in May, and all officers elected or appointed under this provision shall enter upon the duties of their offices on the first day of July next succeeding their election, and shall hold their respective offices for the term of four years, except that county and circuit court clerks shall hold their offices for six years.

"§ 2. Each county of the State shall be divided into so many compactly located magisterial districts as may be deemed necessary, not less than three: provided, that after these have been formed, no additional districts shall be made containing less than thirty square miles. Each magisterial district to be known as _____ magisterial district of county. In each district there shall be elected one supervisor, three justices of the peace, one constable and one overseer of the poor, who shall

hold their respective offices for the term of two years. All regular elections for magisterial district officers shall take place on the fourth Thursday in May, and all officers so elected shall enter upon the duties of their respective offices on the first day of July next succeeding their election. The supervisors of the district shall constitute the board of supervisors for that county, whose duty it shall be to audit the accounts of the county, examine the books of the commissioners of the revenue, regulate and equalize the valuation of property, fix the county levies of the ensuing year, and perform any other duties required of them by law."

Strike out the 3rd section of the same article, which is in these words :

"SCHOOL DISTRICTS.

"§ 3. Each township shall be divided into so many compactly located school districts as may be deemed necessary; provided, that no school district shall be formed containing less than one hundred inhabitants. In each school district there shall be elected or appointed annually one school trustee, who shall hold his office for three years; provided, that at the first election held under this provision there shall be three trustees elected, whose terms shall be one, two, and three years respectively."

And insert in lieu thereof the following:

"SCHOOL DISTRICTS.

"§ 3. Each magisterial district shall be divided into so many compactly located school districts as may be deemed necessary; provided, that no school district shall be formed containing less than one hundred inhabitants. In each school district there shall be elected or appointed annually one school trustee, who shall hold his office three years: provided, that at the first election held under this provision there shall be three trustees elected, whose terms shall be one, two, and three years respectively."

From the same article strike out the 4th section, which is in these words :

"SCHOOL DISTRICTS.

"§ 4. Each township shall be divided into one or more road districts. In each road district there shall be elected annually one overseer of roads, under whose direction the roads shall be kept in repair at the public expense, in a mode prescribed by law.

"SCHEDULE.

"The legally constituted officers of the several counties and townships of the State, at the date of the ratification of these amendments by the people, shall continue to discharge the duties of their respective offices until the officers provided for by these amendments shall have been elected;

or appointed, and qualified ; and all bonds or recognizances entered into by any county or township officer for the faithful discharge of the duties of his office shall remain valid and binding, and all rights and liabilities under the same shall continue, and may be prosecuted as provided by law."

Resolved, That the clerk of the House of Delegates or the clerk of the Senate be authorized and required, or if a vacancy happen in both of said offices, the presiding officer of either House of the General Assembly be authorized and requested to cause the proposed amendments and these resolutions to be published in some newspaper published in the city of Richmond for three months previous to the time of choosing the members of the General Assembly at the next general election of Senators and members of the House of Delegates.

Resolved, That the clerk of the Senate and the clerk of the House of Delegates be required to transmit to the General Assembly to be chosen at the next general election of Senators and members of the House of Delegates a certified copy of said amendments and these resolutions, together with a certificate of publication by the publisher of the newspaper in which the proposed amendments shall have been published.

The joint resolutions as amended were then ordered to be engrossed and read a third time.

Mr. Roller, from the committee on Federal relations, made a report proposing the following amendment to the bill appropriating the public revenue for the fiscal year 1872-73.

" APPROPRIATION.

" For the survey and re-marking the monuments of the line claimed by Virginia between her and the State of Maryland, and for the pay and expenses of the commissions on the part of Virginia, the sum of twelve thousand five hundred dollars."

And he, from the same committee, presented the following joint resolutions :

1. Resolved by the General Assembly of Virginia, That no warrants heretofore or hereafter issued from the land office of the State of Virginia shall be located on the shores, banks or islands of the Potomac river, or on the land, shores or islands of the territory in dispute between Maryland and Virginia from Watkin's Point to the Atlantic Ocean ; nor shall any patents be issued from said office for any portion whatever of the shores, banks or islands of the Potomac river, or of the land, or shores, or islands of the said disputed territory until after the line on the Potomac river and on the Eastern Shore of the Chesapeake Bay shall be settled and fixed between the said two States, and not then, on the Virginia side of said line, until after the location and price per acre of said warrants and patents shall be further regulated by law, and no patents shall be issued on warrants located (since the 1st of April, 1865) upon any portion of the said disputed territory, or upon any portion of the shores, banks or islands of the said Potomac river shall be deemed valid.

2. Be it further resolved, That in the event the present commissioners, on the part of Virginia, shall fail to agree with those on the part of Maryland on a settlement of the boundaries between the two States, and shall so report to the Governor of this Commonwealth on or before the 1st day of October, 1873; the Governor is authorized, in his discretion, to employ able and learned counsel to prosecute the claim of boundary of this State between her and Maryland, before the proper judicial tribunals of the United States, and to have the same finally settled by the Supreme Court of the United States, at such rates of fees and other expenses as he may deem reasonable, to be paid out of any money in the treasury, not otherwise appropriated, or out of the contingent fund of the Executive.

Mr. Herndon, in behalf of a minority of the committee on Federal relations, presented the following as a substitute for the 2nd resolution of the committee:

Resolved by the General Assembly of Virginia, That in the event the present commissioners on the part of Virginia shall fail to agree or compromise with those on the part of Maryland on a settlement of boundaries between the two States, they shall so report to the Governor of this Commonwealth, on or before the 1st day of October, 1873, together with any offers of compromise on the part of the Maryland commissioners, and all the facts bearing on the question; and the Governor is hereby requested to communicate the same to the next General Assembly, with his opinion as to what further action should be taken in the premises.

On motion of Mr. Holladay, the Senate adjourned until to-morrow, eleven o'clock.

THURSDAY, MARCH 27, 1873.

A communication from the House of Delegates, by their clerk, was read as follows:

In House of Delegates, March 26, 1873.

The House of Delegates have rejected Senate bill entitled an act in relation to the lease of the penitentiary, No. 16; and have agreed to Senate joint resolutions expressing the concurrence of the General Assembly in the Governor's recommendation of the assumption of the debts of the several States by the Federal Government.

They have passed Senate bill entitled an act to authorize the revocation of subscriptions to the Valley Railroad Company, and the transfer of the same on certain conditions, No. 33, with amendments; and have passed House bills entitled an act to amend the 39th section of chapter 441 of Acts 1869-70, in relation to commissioner of roads, No. 246; an act for the encouragement of immigration, No. 217; an act to amend sections 4 and 5 of an act of the General Assembly, approved March 6, 1871, entitled an act to incorporate the town of Dublin, in the county of Pulaski, No. 279; an act to authorize David S. Cowles to erect a

wharf on James river, in the county of James City, No. 315; an act authorizing the trustees of the First Methodist Episcopal Church of Richmond, Virginia, to execute deeds of trust, No. 213; an act to amend and re-enact the 3d section of chapter 108 of the Code of 1860, in relation to marriage license, No. 224; and an act to incorporate the Danville and New River Narrow Gauge Railroad, No. 370. They have passed Senate bills entitled an act to allow judges of certain corporation or hustings courts to practice law, No. 323; an act declaring certain parts of the Chickahominy river a public highway, No. 319; an act to authorize the county of Surry to borrow money to rebuild the jail recently destroyed by fire, No. 334; an act to amend and re-enact the 5th section of an act entitled an act to amend the charter of the town of Christiansburg and extending the limits of the same, No. 314; an act to authorize the trustees of Main Street Methodist Episcopal Church, South, in Danville, to borrow money, No. 329; and an act to amend and re-enact the 2d section of an act approved March 22d, 1871, entitled an act to incorporate the town of Blacksburg, in the county of Montgomery, No. 317; in which bills and amendments they respectfully ask the concurrence of the Senate.

No. 38, Senate bill entitled an act to authorize the revocation of subscriptions to the Valley Railroad Company, and the transfer of the same on certain conditions, with the amendments proposed by the House of Delegates, was taken up, and the amendments were agreed to.

Ordered, That the clerk inform the House of Delegates thereof.

No. 246, House bill entitled an act to amend the 39th section of chapter 441 of Acts of 1869-70, in relation to commissioner of roads, was taken up, read twice, and, on motion of Mr. Grimsley, the rule requiring the commitment of the same being suspended, was read the third time and passed with its title.

Ordered, That the clerk inform the House of Delegates thereof.

No. 217, House bill entitled an act for the encouragement of immigration, was read twice, and, on motion of Mr. Quesenberry, the rule requiring the commitment of the same being suspended, was read the third time, and the question being on the passage of the bill,

Mr. Boykin demanded the pending question, which was ordered, and being put, was determined in the affirmative—ayes 28, noes 7.

The vote was recorded as follows:

Ayes—Messrs. Anderson of Pittsylvania, Anderson of Rockbridge, Beazley, Boykin, Cochran, Graham, Greene, Grimsley, Herndon, Holladay, Johnson, Kirkpatrick, Lewis, Massey, Meem, Nowlin, Nutting, Perrin, Quesenberry, Taylor of Loudoun, Taylor of Norfolk city, Terry, and Thomas—28.

Noes—Messrs. Greever, Lackland, Martin, Norton, Pridemore, Robinson, and Stevens—7.

The title was then agreed to.

On motion of Mr. Herndon, it was

Ordered, That he inform the House of Delegates.

No. 279, House bill entitled an act to amend sections 4 and 5 of an

act of the General Assembly approved March 6th, 1871, entitled an act to incorporate the town of Dublin, in the county of Pulaski, was read twice, and, on motion of Mr. Grimsley, the rule requiring the commitment of the same being suspended, was read the third time and passed with its title.

Ordered, That the clerk inform the House of Delegates thereof.

No. 315, House bill entitled an act to authorize David S. Cowles to erect a wharf on James river, in the county of James City, was read twice, and referred to the committee on general laws.

No. 213, House bill entitled an act authorizing the trustees of the First Methodist Episcopal Church of Richmond, Virginia, to execute deeds of trust, was taken up, twice read, and, on motion of Mr. Quesenberry, the rule requiring the commitment of the same being suspended, was read the third time and passed with its title.

Ordered, That the clerk inform the House of Delegates thereof.

No. 224, House bill entitled an act to amend and re-enact the 3d section of chapter 108 of the Code of 1860, in relation to marriage license, was read twice, and referred to the committee for courts of justice.

No. 370, House bill entitled an act to incorporate the Danville and New River Narrow Gauge Railroad, was read twice, and, on motion of Mr. Nowlin, the rule requiring the commitment of the same being suspended, was read the third time and passed with its title.

No. 257, House bill entitled an act to amend and re-enact section 26 of chapter 57, Code of 1860, in relation to certificates of stock, was read twice, and referred to the committee on general laws. Subsequently,

On motion of Mr. Anderson of Pittsylvania, the committee was discharged from its consideration, and the bill was read a third time and passed with its title.

A message was received from the House of Delegates by Mr. Walker, who informed the Senate that that House had agreed to the resolution of the Senate for the appointment of another committee of conference, to consider the disagreements between the two houses on the subjects of the report of the committee of conference in reference to House bill No. 159, entitled an act in relation to interest on money or other thing.

The President appointed, as the committee on the part of the Senate, Messrs. Cochran, Anderson of Pittsylvania, Connally, Anderson of Rockbridge, and Greene.

The President laid before the Senate a communication from John McEnery, Governor of Louisiana, enclosing an address to the people of Louisiana and of the Union by the Governor and Legislature of that State, which was read as follows:

EXECUTIVE CHAMBERS,
NEW ORLEANS, March 13th, 1873.

To Hon. JOHN L. MARYE,
Lieutenant-Governor of Virginia:

DEAR SIR :

I have the honor herewith to enclose to you an address to the people of Louisiana and of the Union, issued by authority of a joint resolution of the General Assembly. Permit me to ask your serious attention to its allegations, and also to request that you lay it officially before the Legislature of your great State.

The people of this State, without distinction of past sectional feeling, present party differences, or of birth, race or color, feel that an issue has been made in our case by the illegal and monster usurpations of certain officials, which, if suffered to be decided against us, either by the non-action or adverse action of Congress, involves most certainly and gravely the liberties and the rights of every other State.

The President has said in his message: "No executive control is exercised in any one of them (the Southern States) that would not be exercised in any of the States under like circumstances."

What has been the action referred to?

A United States district judge, sitting on the bench of the circuit court, has seized a State Capitol by the use of the United States army, created a Legislature by an interlocutory order of the nature of an injunction, and installed that Legislature in power by admitting them into the capitol, past the guard of United States marshals, whose orders were obeyed by those troops, and excluding all others claiming seats, until that Legislature had been seated and sworn. Senator Carpenter characterizes this action thus:

"I do not want to go before the people of Wisconsin with the testimony of these Louisiana republicans themselves, admitting their frauds, in setting up this Kellogg government, and with our votes here sustaining this acknowledged fraud and usurpation finally executed and accomplished by the military force of the government of the United States."

The majority of the Senate committee say of this:

"The testimony does not show that voters were disfranchised in many instances on account of race, color or previous condition of servitude, and therefore the law of the General Government was not violated sufficiently to authorize the interference of Durell. The injunction placed by the eighth district court of the State upon the counting of the returns by the 'Lynch Board' was legal and should have been respected.

"The whole interference by the United States court in the organization of the Legislature, is a gross usurpation. The Constitution expressly gives to each State the organization of its own Legislature. A member has no right to contest for his seat before a court of the United States.

"It is therefore evident that such a court has no authority to seat a hundred members at the instance of the Lieutenant-Governor. In this connection it becomes the painful duty of the committee to express their opinion of the action of Judge Durell. A proceeding so manifestly

illegal has never come before Congress for its consideration in connection with a court of the United States, and the committee fail to find words with which to express their abhorrence of the action of Durell."

Senator Schurz speaks of it as follows:

"A Federal judge is applied to for interference. Overstepping his jurisdiction, he does interfere; he restrains all other returning officers but those recognized and designated by him from returning the vote. By an act of usurpation still more palpable and flagrant, he orders that the State house be taken possession of by troops; he virtually orders who shall be members of the Legislature—nay, I think it is not an inex-
cusable exaggeration when I say he virtually makes or creates that Leg-
islature. In executing these gross and flagrant usurpations, he is sup-
ported by the military force of the Federal Government. The usurpa-
tion is consummated under the protection of Federal bayonets. The
Legislature, so created by the interference of the Federal court, convenes.

* * * Thus the usurpation is consummated—a usurpation with-
out the shadow of law as an excuse, with nothing but fraud and force
to stand upon—a usurpation palpable, gross, shameless, and utterly
subversive of all principles of republican government—a usurpation such
as this country has never seen, and probably no citizen of the United
States has ever dreamed of. The offspring of this Legislature is the
Kellogg government."

And even Senator Morton cannot avoid, in his extreme partisanship,
showing his honest opinion of its villainy in these words: "The conduct
of Judge Durell, sitting in the circuit court of the United States, cannot
be justified or defended. He grossly exceeded his jurisdiction, and
assumed the exercise of powers to which he could lay no claim." * * *

* * * In the Antoine case, Judge Durell not only assumed to determine
who constituted the legal returning board, but to prescribe who should
be permitted to take part in the organization of the Legislature, and to
enjoin all persons from taking part in the organization who were not re-
turned by the Lynch board as elected; and this assumption of jurisdiction
was made in the face of the express provisions in the act of 1870, that
its benefits should not extend to candidates for electors, for Congress, or
for members of the State Legislature.

"His order, issued in the Kellogg case to the United States marshal,
to take possession of the State house for the purpose of preventing un-
lawful assemblages, under which the marshal called to his aid a portion
of the army of the United States as a posse comitatus, can only be char-
acterized as a gross usurpation"

Upon these facts, our citizens, in one of the largest mass-meetings ever held in New Orleans, appointed a committee of two hundred of the most worthy and respected people of the city, to wait upon the President, and request the withdrawal of Federal interference. In reply to the notice of their coming, Attorney-General Williams sent me the following dis-
patch, which I quote without comment:

WASHINGTON, D. C., December 13.

Your visit with a hundred citizens will be unavailing, so far as the President is concerned. His decision is made and will not be changed, and the sooner it is acquiesced in, the sooner good order and peace will be restored.

(Signed,) .

GEO. H. WILLIAMS,
Attorney-General.

In the extremity of our distress, business being paralyzed, commerce frightened away, trade stopped, credit destroyed, confidence lost, and withal taxes increased, we appeal to our brethren of sister States to consider our situation. We feel that what is our sad lot to-day, may be theirs some other day, through the same means, and that therefore they should, and doubtless will, feel interested in seeing that their senators and representatives in Congress take steps to right those wrongs. Our only hope is in the interposition of the States of the Union through Congress.

Because, if we seek to right ourselves, our enemies will revive against us the unhappy cries of the late civil war, and falsely represent us as seeking to re-open its dead issues. As to this question, we point to the record of the last political canvass in this State to demonstrate to you what is the truth, that our people have honestly and squarely accepted all the results of the war; the measures of reconstruction; the enfranchisement, suffraganship, and right to hold office, of the colored people, and all the constitutional amendments. In the last canvass the People's or Fusion ticket had upon it republicans and democrats, white and colored, southern and northern men, Federal and Confederate soldiers. In our platform, we ignored all past differences. We sought solely to obtain a government of the whole people, that should be representative, economical and just. This government we obtained by the honest votes of the people at the late election. It has been wrested from us by this grave usurpation. I cannot describe to you the gloom and despair of our people. We feel that unless their cause is made a common one by the people of the other States, elections, so far as we are concerned, are a mockery, and free government ended.

Hoping that this appeal may receive your mature and deliberate attention, and will be by you made known to the people of your State, and that it may inure to the benefit of free and just government throughout the Union, and earnestly inviting you to join in the appeal now being made by the people of this State to the President for an extra session of Congress, in order that necessary and legal measures may be inaugurated by that honorable body, which will give to the people of Louisiana a just, free and republican government,

I remain, sir, with great consideration,
Your obedient servant,

JOHN MCENERY,
Governor of Louisiana.

ADDRESS TO THE PEOPLE OF LOUISIANA BY THE GOVERNOR AND LEGISLATURE, IN PURSUANCE OF A RESOLUTION OF THE LEGISLATURE.

The undersigned were appointed by a resolution of the General Assembly of the State to address their fellow-citizens in reference to the contest, growing out of the election of the fourth of November last, with a view of vindicating the course they have thought proper to pursue, and of indicating that which they recommend for the consideration and adoption of their constituents in the present grave emergency of our State.

It is a source of consolation and confidence to us, in the discharge of this duty, that in our past conduct, as your servants, we are able to present the full endorsement of the highest political authority which could be invoked or desired on the question at issue, to-wit: that of the most prominent representatives of the political party opposed to us in that august tribunal—the United States Senate. A committee of that body, composed exclusively of Senators who supported the reconstruction and enforcement acts of Congress, which have been set up as the basis and pretext for the violent reversal of the legally expressed will of the people in our last election, and the installation of a usurping minority in our State Government, has, after a full investigation of the law and facts, arrived at the following conclusions:

1. That the action of a United States judge, in foisting into the chief executive office of the State a person who was legally returned as defeated by a majority of over six thousand votes, and further, by an illegal order, directing the occupation of the building leased for a State house, and through armed force and menace of United States troops, installing as members of the General Assembly of Louisiana persons who were never elected by the people, and had no other title to such places but that conferred by the allegations of a bill in chancery, and excluding the lawfully returned and elected members, is unanimously and emphatically condemned as an act of judicial usurpation, abuse and outrage.

2. It is shown by the same committee that the lawful and regular returns of the votes of the people were set aside by a corrupt, dishonest and partisan board of canvassers, who substituted for the real and proper evidence of such votes and election ex parte affidavits, census estimates, newspaper reports, and other equally inadmissible data.

3. It is conceded by the same committee that no de jure or lawful government can be created by such modes of canvassing, or making up the election returns, and that no court or other tribunal can impart any legality to a tenure to office thus obtained.

4. It is with like unanimity admitted by the same high authority that the State officer who had the regular and lawful returns were entitled to enter upon their offices, and that those who contested their rights on charges of fraud and violence should be remitted to the tribunals which had jurisdiction of such controversies, and that in this case this uniform practice and law were reversed, and the *prima facie* right accorded to

those who merely alleged or claimed their election against those who had the legal and proper returns.

The several propositions being concurred in by all of the committee of the United States Senate, a majority thereof declared that the Government of Kellogg and his party over this State was a gross and flagrant usurpation.

These conclusions of a committee of the highest political authority in the nation have fully confirmed and justified the course pursued by the Executive and Legislative officials who were returned as the elect of the people of Louisiana, and who proceeded duly to organize the Government of the State. To have done otherwise would have been an abandonment of a plain duty and a surrender of the rights of the people who had elected them.

The Government thus organized has been confronted by another, resting entirely upon the outrageous judicial orders of a United States judge, and upon an illegal and purely fictitious and fraudulent return of the votes of the people. Unhappily for the honor of the republic and the cause of right, justice and law, the President of the United States deemed it his duty to extend to this fictitious and fraudulent government the protection of the United States army. This was done at first under a grossly erroneous view of his duty as the Chief Executive of the nation, to enforce an order of a United States court, whether legal and constitutional or not, even though that order was a palpable excess and abuse of jurisdiction and authority.

It is still more to be lamented that this support and protection of a usurping State Government has been continued by the President in the exercise of his political power, when he could no longer defend his course by a concession to a United States judge, of the authority to decide such questions, and after a full investigation and exposure by a proper tribunal, of the illegal, fraudulent and usurping character of that Government. The position of the President, supported by the opinion of a single member of the committee of the United States Senate, was based on the assumption that there existed a de facto government in Louisiana, separate and apart from, and opposed to the de jure government, and that he was bound to recognize the de facto authority.

Totally dissenting from this view, that there can be any legal government in a State entitled to recognition by the Federal authority which is not de jure, as well as de facto, we have further to record the mortifying fact, as declared by the report of the committee of the United States Senate, that such Government is maintained, and its authority enforced, by the aid of the military power of the United States. It has even been intimated that the Government de jure does not command the support and approval of the people of the State, because that Government is unwilling to defy, and unable to overcome the power of the United States. Because of this unwillingness and inability, the stupendous falsehood is proclaimed, that the people of Louisiana voluntarily submit to and acquiesce in this usurpation. If we resist the Executive of the United States, which with arms defends this usurpation, we are

rebels; if we do not resist it, we submit to and acknowledge its authority and power. We do not believe that the founders of this Government, or the friends of republican institutions and liberty, in any part of the world, have ever sanctioned such a doctrine and proposition. We believe that the Federal Government represented by Congress and the President, are under a sacred constitutional obligation to protect and defend the people of the State in the enjoyment of their republican rights, of selecting their own political agents, and that this right is utterly disregarded and trampled on by the course pursued in our case.

In so clear a path of duty and manhood, we have deemed it imperative to assert this right, guaranteed by the Federal Constitution, and to endeavor to perform the functions and exercise the powers confided to us by the people. We are prevented and hindered therein, by what we regard the wrongful and unconstitutional intervention of the Federal Executive. Such intervention being so regarded by us, we cannot, if we would, and we would not if we could, cease our protest and opposition thereto. We appeal to our brethren in the other States for their sympathy and support of a position which they are all interested in maintaining, thus vindicating a cardinal principle of our political system. We have no other hope or means of defence against the wrongs done us. We can only assert our rights, refuse submission to usurpation, and abide the judgment of the American people in our case. Meantime it behooves the people of Louisiana to preserve their manhood, their dignity and their patience. Suffering under the greatest indignities which can be perpetrated upon a free people, they are threatened with the prolongation of a reign of corruption, spoliation and oppression for four years longer.

We have no other recourse against such calamity, and no means of re-establishing our rights as a people and our status as a republican State, but by a firm and unyielding adherence to the lawful Government of the State. We therefore urge our fellow-citizens to give us their zealous support and encouragement in our endeavors to support and put in operation this Government, not by violent resistance to the authority of the United States, but by a firm and united opposition to any and every act of the usurping Government of Kellogg and his confederates.

In view of the great disasters of our State, resulting from political troubles, we have been disposed to make large concessions and compromises to secure peace and good government to Louisiana, but all propositions of that character have been haughtily rejected by the usurpers. Emboldened by the countenance and support extended to them by the Federal Executive, nothing then is left to the free and honest citizens of this State who elected us and our associates, but to rally with renewed earnestness and devotion to the defence and support of the de jure and lawful Government. With their approval and support we have an abiding confidence in the eventual triumph of our cause and the recognition by a just and honest national administration of the equal rights of Louisiana, as one of the glorious Union of this great republic and confederacy.

Dishonor, the reproach of the people, and self-abasement must attach to all, who, having once assumed the position so clearly pointed out as that

of duty and manhood, shall abandon the same or shrink from any of its responsibilities and obligations.

JOHN McENERY,

Governor of the State of Louisiana.

HUGH J. CAMPBELL,

B. F. JONAS,

Committee on the part of the Senate.

H. F. VICKERS,

LEWIS TEXADA,

FERGUS FUSILIER,

J. H. McCaleb,

Committee on the part of the House of Representatives.

Mr. Kirkpatrick offered the following resolution, which was agreed to :
 Resolved, That the communication from the Governor of the State of Louisiana be printed for the use of the Senate, and that the same, with the address accompanying it, be referred to the committee on Federal relations, to report what action on the part of the General Assembly in the premises may, in their judgment, be expedient and proper.

The President laid before the Senate a communication from the Governor transmitting a statement of the particulars of every case of fine or penalty remitted, of reprieve or pardon granted, &c., which,

On motion of Mr. Greever, was laid on the table and ordered to be printed. (Doc. No. 20.)

Mr. Herndon, from the committee for courts of justice, reported with amendments,

No. 180, House bill entitled an act to regulate the fees of sheriffs.

He, from the same committee, presented

No. 349, A bill to amend section 9 of chapter 192 of the Code of 1860, in relation to offences against property.

He, from the same committee, presented a report declaring that it is inexpedient to legislate on the subject of a resolution enquiring into the expediency of amending the Code so as to allow a sheriff or other officer full commissions where, in any case, after he makes distress or levy, the debtor pays off and discharges the debt distrained or levied for, to the plaintiff or his attorney.

And he, from the same committee, reported without amendment,

No. 297. Senate bill to amend and re-enact section 35 of chapter 184 of Code of 1860, so as to pay sheriffs, sergeants and collectors for serving processes for the Commonwealth.

Mr. Anderson of Rockbridge, from the committee on public institutions, reported without amendment,

No. 269, House bill entitled an act to amend and re-enact the 3d clause of the 57th section of an act entitled an act to regulate the imposition, assessment and collection of taxes for the support of public free schools, by counties and school districts, and for this purpose to repeal the 2d clause of the 14th section, and the 44th section, and to amend and re-enact the 8th clause of the 24th section, and the 2d and 3d clauses of the 57th section, and the 59th and 64th sections of chapter

259 of Acts of 1869-70, entitled an act to establish and maintain a uniform system of public free schools, approved July 11, 1870, approved March 26, 1872.

And he, from the same committee, reported declaring it inexpedient to legislate on the subject,

No. 333, Senate bill to amend and re-enact section 57 of an act approved July 11, 1870, entitled an act to establish and maintain a uniform system of public free schools, as amended by chapter 348 of Acts of Assembly 1871-72, in relation to school tax by counties and districts.

Mr. Thomas, from the special joint committee to investigate charges against the Mount Vernon Association, presented the following report:

The undersigned, of the committee appointed by the General Assembly to investigate certain charges against the conduct of the Mount Vernon Association, beg leave respectfully to report that they were of the opinion that it would be indispensably necessary, in order to a minute and satisfactory examination of the charges, and of the condition of the association, to visit Mount Vernon. Owing, however, to the lateness of the period at which the committee was appointed, and the pressing and important business before the Legislature, they find it impossible to discharge the duties satisfactorily; but inasmuch as the act incorporating the Ladies' Mount Vernon Association, passed March 17, 1856, requires the Governor of Virginia to appoint and commission visitors, whose duty it shall be to visit that place and examine and faithfully report all the proceedings of said association, and the manner in which they comply or fail to comply with that act, and other laws of the land, we respectfully recommend, in view of the hallowed associations connected with that place, and of the deep interest that Virginia feels in the protection and preservation of the tomb of Washington, and of the powers reserved by the State over Mount Vernon, that the Governor shall immediately exercise the power confided to him, and that the committee be discharged from the further consideration of the subject.

H. W. THOMAS,
Of Senate Committee.
ALLEN PEARCE,
Of House Committee.

On motion of Mr. Thomas, the report was taken up and agreed to.

Ordered, That the clerk inform the House of Delegates thereof and request their concurrence therein.

Mr. Grimsley, by leave, presented

No. 350, A bill to amend and re-enact the 1st and 7th sections of an act entitled an act to incorporate the Potomac and Valley Railroad, approved November 5, 1870; which, on his motion, was read the first, and ordered to be read a second time; and, on his further motion (two-thirds concurring), was read the second, and ordered to be engrossed and read a third time; and being forthwith engrossed, was, on his further motion (two-thirds concurring), read the third time and passed with its title.

Ordered, That the clerk inform the House of Delegates thereof and request their concurrence therein.

The Senate joint resolution instructing the Treasurer to refund tax paid under 61st section of tax law was taken up, on motion of Mr. Meem—when

Mr. Taylor of Norfolk city offered the following as a substitute therefor:

Resolved by the Senate (the House of Delegates concurring), That in every case in which a tax has been paid on a bill to provide for the incorporation of a joint stock company, or to enact an amendment to a charter, under the provisions of the 61st section of chapter 385 of the Acts of Assembly of 1871-72, the Auditor of Public Accounts be and he is hereby authorized and directed to issue his warrant on the treasury in favor of the person or persons who paid the tax on such bill or proposed amendment, for the amount paid thereon into the treasury under the requirement of the law above mentioned.

The question being on the adoption of the substitute, Mr. Thomas made an unsuccessful motion to amend the same by inserting after the words "1872," in the ninth line, the words "which has been defeated during the present session."

The question recurring on the adoption of the substitute, and being put, was determined in the affirmative; and the question on the adoption of the resolution as amended being put, was determined in the affirmative—ayes 25, noes 7.

The vote was recorded as follows:

Ayes—Messrs. Anderson of Pittsylvania, Anderson of Rockbridge, Cochran, Graham, Greene, Greever, Grimsley, Herndon, Holladay, Lackland, Lewis, Martin, Massey, Meem, Norton, Perrin, Pridemore, Quesenberry, Rixey, Roller, Rue, Taylor of Norfolk city, Terry, Ward, and Wynne—25.

Noes—Messrs. Beazley, Johnson, Kirkpatrick, Nowlin, Robinson, Taylor of Loudoun, and Thomas—7.

On motion of Mr. Taylor of Norfolk city, it was

Ordered, That he inform the House of Delegates thereof and request their concurrence therein.

No. 84, House joint resolution in relation to appointment of commissioners to ascertain and define the boundary line between Virginia and West Virginia, was taken up, on motion of Mr. Ward, and the blank having been filled with the word "three," the resolution was then read the third time, and the question on agreeing thereto being put, was determined in the affirmative—ayes 25, noes 3.

The vote was recorded as follows:

Ayes—Messrs. Anderson of Pittsylvania, Anderson of Rockbridge, Beazley, Boykin, Cochran, Graham, Greene, Herndon, Holladay, Johnson, Lewis, Martin, Massey, Meem, Perrin, Quesenberry, Rixey, Roller, Rue, Taylor of Loudoun, Taylor of Norfolk city, Terry, Thomas, Ward, and Wynne—25.

Noes—Messrs. Nowlin, Pridemore, and Robinson—3.

On motion of Mr. Meem, it was

Ordered, That he inform the House of Delegates thereof and request their concurrence therein.

Senate joint resolution directing that all licenses granted by the Commonwealth shall be paid in currency, was taken up, on motion of Mr. Quesenberry, and the question being on agreeing to the resolution, Mr. Anderson of Rockbridge demanded the pending question, which was refused—when

Mr. Anderson of Rockbridge moved to lay the resolution on the table, and the question being put thereon, was determined in the affirmative—*ayes* 19, *noes* 12.

On motion of Mr. Quesenberry, the vote was recorded as follows:

Ayes—Messrs. Anderson of Rockbridge, Beazley, Boykin, Greene, Herndon, Holladay, Johnson, Kirkpatrick, Lewis, Meem, Nowlin, Perrin, Rixey, Roller, Taylor of Loudoun, Taylor of Norfolk city, Terry, Thomas, and Wynne—19.

Noes—Messrs. Cochran, Graham, Greever, Lackland, Martin, Massey, Pridemore, Quesenberry, Robinson, Rue, Smith, and Ward—12.

Senate joint resolution proposing amendments to sections 1, 2, 3, and 4 of the 7th article of the Constitution of this Commonwealth, in relation to county organizations, for publishing said amendments, and certifying the same to the next General Assembly, was taken up, on motion of Mr. Anderson of Rockbridge, read the third time, and the question on agreeing thereto being put, was determined in the affirmative—*ayes* 29, *noes* 4.

The vote was recorded as follows:

Ayes—Messrs. Anderson of Pittsylvania, Anderson of Rockbridge, Beazley, Boykin, Cochran, Greever, Grimsley, Herndon, Holladay, Johnson, Kirkpatrick, Lackland, Lewis, Massey, Meem, Nowlin, Penn, Perrin, Pridemore, Quesenberry, Rixey, Roller, Smith, Taylor of Loudoun, Taylor of Norfolk city, Terry, Thomas, Ward, and Wynne—29.

Noes—Messrs. Greene, Martin, Robinson, and Rue—4.

On motion of Mr. Anderson of Rockbridge, it was

Ordered, That he inform the House of Delegates thereof and request their concurrence therein.

Senate joint resolution directing a distribution of the new Code when published, was taken up, on motion of Mr. Herndon, and, on his further motion, was amended by inserting the word “present” before the words General Assembly,” in the sixth line, and by striking out all after the word “shall,” in the thirty-seventh line, and inserting in lieu thereof the words “be disposed of by the Secretary of the Commonwealth for a price to be ascertained and fixed by the Superintendent of Public Printing and the Secretary of the Commonwealth, and the proceeds thereof be deposited in the public treasury.”

Mr. Pridemore moved further to amend the resolution by inserting after the words “General Assembly,” in the sixth line, “at the actual cost of printing,” and the question being put thereon was determined in the negative.

Mr. Greene moved further to amend the resolution by inserting after the word “Treasurer,” in the seventeenth line, the words “to each county and city superintendent of public schools;” and the question being on agreeing thereto,

Mr. Thomas demanded the pending question, which was ordered, and being put, was determined in the negative.

The question on agreeing to the resolution as amended being put, was determined in the affirmative.

Ordered, That the clerk inform the House of Delegates thereof and request their concurrence therein.

No. 166, Senate bill for the relief of Sarah F. Gayle of the city of Norfolk, was taken up, on motion of Mr. Taylor of Norfolk city, and the question on the passage thereof being put, was determined in the affirmative—ayes 26, noes none.

The vote was recorded as follows:

Ayes—Messrs. Anderson of Pittsylvania, Anderson of Rockbridge, Beazley, Boykin, Cochran, Greene, Greever, Grimsley, Johnson, Lewis, Martin, Meem, Nowlin, Penn, Perrin, Pridemore, Quesenberry, Robinson, Roller, Rue, Smith, Taylor of Norfolk city, Terry, Thomas, Ward, and Wynne—26.

Noes—None.

On motion of Mr. Taylor of Norfolk city, the title was amended and agreed to in these words: “an act for the relief of Sarah F. Gayle of the city of Portsmouth.”

On motion of Mr. Holladay, it was

Ordered, That he inform the House of Delegates thereof and request their concurrence therein.

The vote was recorded as follows:

No. 318, Senate bill for the relief of Joel L. Walker, administrator of the estate of David Bruce, deceased, was taken up, on motion of Mr. Greene, and the question on its passage being put, was determined in the affirmative—ayes 26, noes none.

The vote was recorded as follows:

Ayes—Messrs. Anderson of Pittsylvania, Beazley, Cochran, Graham, Greene, Greever, Grimsley, Herndon, Holladay, Johnson, Lackland, Martin, Norton, Nowlin, Penn, Pridemore, Quesenberry, Robinson, Roller, Rue, Smith, Taylor of Norfolk city, Terry, Thomas, Ward, and Wynne—26.

Noes—None.

On motion of Mr. Greene, it was

Ordered, That he inform the House of Delegates thereof and request their concurrence therein.

A message was received from the House of Delegates by Mr. Hill, who informed the Senate that that House had passed an act authorizing the Rector and Board of Visitors of the University of Virginia to expend a certain sum of money, No. 323

A message was received from the House of Delegates by Mr. Suttle, who informed the Senate that that House had passed an act to amend and re-enact an act to incorporate the Stafford Free Bridge Company, No. 312.

The bill was subsequently taken up, on motion of Mr. Herndon, read twice, and referred to the committee on roads and internal navigation.

A message was received from the House of Delegates by Mr. Fitz-

gerald, who informed the Senate that that House had passed an act to amend and re-enact the charter of the town of Salem, in the county of Roanoke, No. 328.

A message was received from the House of Delegates by Mr. Fitzgerald, who informed the Senate that that House had passed an act to amend and re-enact an act entitled an act for the protection of fish in the Roanoke river west of the Bedford line, in force March 20th, 1872, No. 282.

A message was received from the House of Delegates by Mr. Head, who informed the Senate that that House had passed an act to incorporate the trustees of the Grand Lodge of the Independent Order of Odd Fellows, of the State of Virginia, No. 388.

A message was received from the House of Delegates by Mr. Hill, who informed the Senate that that House had passed an act to amend and re-enact an act entitled an act to provide for a re-division of the county of Fairfax into townships, No. 380.

A message was received from the House of Delegates by Mr. Suttle, who informed the Senate that that House had passed an act to amend an act entitled an act increasing the powers of the trustees of the town of Falmouth, in the county of Stafford, passed February 18th, 1830, No. 264.

A message was received from the House of Delegates by Mr. Suttle, who informed the Senate that that House had passed an act to authorize the county court of Stafford county to appoint commissioners to rearrange the boundaries of the fence law in said county, No. 228.

A message was received from the House of Delegates by Mr. Lawson, who informed the Senate that that House has passed an act appropriating a sum of money for the protection of the Eastern Lunatic Asylum from destruction by fire, No. 322.

A message was received from the House of Delegates by Mr. Payne, who informed the Senate that that House had passed an act to amend and re-enact the 5th section of chapter 301 of an act approved March 26, 1872, entitled an act to incorporate the Shawsville, Jacksonville, Taylorsville and North Carolina Railroad Company, No. 349.

No. 335, Senate bill appropriating the public revenue for the fiscal year 1872-73, was taken up, on motion of Mr. Thomas.

Mr. Greever moved to amend the bill by striking out in the clause providing for the support of convicts, the words "\$15,000," and in the clause providing for penitentiary manufacturing purposes, the words "\$30,000;" and the question on agreeing thereto being put, was determined in the negative—ayes 10, noes 17.

On motion of Mr. Greever, the vote was recorded as follows:

Ayes—Messrs. Graham, Greene, Greever, Martin, Norton, Penn, Robinson, Roller, Rue, and Stevens—10.

Noes—Messrs. Anderson of Pittsylvania, Anderson of Rockbridge, Beazley, Grimsley, Herndon, Holladay, Johnson, Kirkpatrick, Nowlin, Perrin, Pridemore, Quesenberry, Smith, Taylor of Loudoun, Terry, Thomas, and Ward—17.

Mr. Greene made an unsuccessful motion to amend the clause pro-

viding for the Central Lunatic Asylum by striking out the words “\$45,000” and inserting in lieu thereof the words “\$60,000.”

On motion of Mr. Anderson of Rockbridge, the clause providing for the Western Lunatic Asylum was amended by striking out the words “\$60,000” and inserting in lieu thereof the words “\$55,000”—when,

On motion of Mr. Perrin, the chair was vacated until eight o'clock to-night.

EVENING SESSION.

Mr. Quesenberry in the chair.

No. 835, Senate bill appropriating the public revenue for the fiscal year 1872-73, being the unfinished business when the Senate took a recess, was taken up, and, on motion of Mr. Thomas, the clause providing for the pay of vaccine agent was amended by striking out the words “five hundred dollars,” and inserting in lieu thereof the words “eight hundred dollars.”

On motion of Mr. Thomas, the blank in the clause providing for printing 22nd volume of Grattan's Reports was filled with the words “three thousand dollars.”

On motion of Mr. Wynne, the clause providing for repairing Houdon's statue of Washington was amended by striking out the word “repairing,” and inserting in lieu thereof the word “replacing.”

Mr. Penn moved further to amend the bill by inserting after the clause providing for the University of Virginia the following:

“To the Agricultural and Mechanical College, fifteen thousand dollars; to the Hampton Normal Institute, fifteen thousand dollars.”

The question being on agreeing to the amendment,

Mr. Boykin moved to amend the same by inserting at the end thereof the words “to be paid out of the funds set apart for educational purposes.”

The amendments were subsequently withdrawn, by general consent—when

Mr. Pridemore moved to amend the bill by striking out the words “to the Virginia Military Institute, fifteen thousand dollars;” and on this proposition

Mr. Thomas demanded the pending question, which was ordered; and being put, was determined in the negative—ayes 11, noes 21.

On motion of Mr. Thomas, the vote was recorded as follows:

Ayes—Messrs. Graham, Greever, Grimsley, Lackland, Nowlin, Pridemore, Quesenberry, Robinson, Rue, Smith, and Terry—11.

Noes—Messrs. Anderson of Pittsylvania, Anderson of Rockbridge, Beazley, Boykin, Cochran, Greene, Herndon, Johnson, Lewis, Martin, Meem, Norton, Penn, Perrin, Rixey, Stevens, Taylor of Loudoun, Taylor of Norfolk city, Thomas, Ward, and Wynne—21.

Mr. Penn renewed his motion to amend the bill by inserting after the clause providing for the University of Virginia, the following:

"To the Agricultural and Mechanical College, fifteen thousand dollars; to the Hampton Normal Institute, fifteen thousand dollars."

On this proposition Mr. Pridemore demanded a division of the question, which was ordered; and being put on the first member of the proposition, was determined in the negative—ayes 14, noes 17.

On motion of Mr. Kirkpatrick, the vote was recorded as follows:

Ayes—Messrs. Anderson of Rockbridge, Graham, Greene, Greever, Martin, Norton, Nowlin, Penn, Pridemore, Robinson, Rue, Smith, Stevens, and Wynne—14.

Noes—Messrs. Anderson of Pittsylvania, Boykin, Cochran, Grimsley, Herndon, Johnson, Kirkpatrick, Lackland, Meem, Perrin, Quesenberry, Rixey, Taylor of Loudoun, Taylor of Norfolk city, Terry, Thomas, and Ward—17.

The question recurring on the second member of the proposition,

Mr. Graham demanded the pending question, which was ordered; and being put, was determined in the negative—ayes 11, noes 19.

On motion of Mr. Graham, the vote was recorded as follows:

Ayes—Messrs. Anderson of Rockbridge, Graham, Greene, Martin, Norton, Penn, Pridemore, Robinson, Rue, Stevens, and Wynne—11.

Noes—Messrs. Anderson of Pittsylvania, Boykin, Cochran, Greever, Grimsley, Herndon, Johnson, Kirkpatrick, Lackland, Meem, Perrin, Quesenberry, Rixey, Smith, Taylor of Loudoun, Taylor of Norfolk city, Terry, Thomas, and Ward—19.

Mr. Penn moved to amend the bill by inserting after the 23rd line the following:

"To the Agricultural and Mechanical College, ten thousand dollars;" and the question being put thereon, was determined in the negative—ayes 14, noes 16.

On motion of Mr. Penn, the vote was recorded as follows:

Ayes—Messrs. Anderson of Rockbridge, Graham, Greene, Greever, Martin, Norton, Nowlin, Penn, Pridemore, Robinson, Rue, Smith, Stevens, and Wynne—14.

Noes—Messrs. Anderson of Pittsylvania, Boykin, Cochran, Grimsley, Herndon, Johnson, Kirkpatrick, Lackland, Meem, Perrin, Quesenberry, Rixey, Taylor of Loudoun, Terry, Thomas, and Ward—16.

Mr. Pridemore moved to amend the bill by striking out the words "to the University of Virginia, fifteen thousand dollars;" and the question being put thereon, was determined in the negative—ayes 14, noes 19.

On motion of Mr. Pridemore, the vote was recorded as follows:

Ayes—Messrs. Graham, Greene, Greever, Grimsley, Lackland, Martin, Norton, Nowlin, Penn, Pridemore, Robinson, Rue, Smith, and Stevens—14.

Noes—Messrs. Anderson of Pittsylvania, Anderson of Rockbridge; Beazley, Boykin, Cochran, Herndon, Johnson, Kirkpatrick, Lewis, Meem, Perrin, Quesenberry, Rixey, Roller, Taylor of Loudoun, Taylor of Norfolk city, Thomas, Ward, and Wynne—19.

Mr. Greene moved to amend the bill by inserting after the 23rd line the words "to the Hampton Normal Institute, ten thousand dollars;"

and the question being put thereon, was determined in the negative—ayes 10, noes 20.

On motion of Mr. Greene, the vote was recorded as follows:

Ayes—Messrs. Graham, Greene, Martin, Norton, Penn, Pridemore, Robinson, Rue, Stevens, and Wynne—10.

Noes—Messrs. Anderson of Pittsylvania, Boykin, Cochran, Greever, Grimsley, Herndon, Johnson, Kirkpatrick, Lackland, Lewis, Meem, Perrin, Quesenberry, Rixey, Smith, Taylor of Loudoun, Taylor of Norfolk city, Terry, Thomas, and Ward—20.

Mr. Roller moved to amend the bill by inserting the following clause after the 93rd line:

“For the survey and re-marking the monuments of the line claimed by Virginia between her and the State of Maryland, and for the pay and expenses of the commissioners on the part of Virginia, the sum of twelve thousand five hundred dollars.”

The question being on agreeing thereto,

Mr. Ward demanded the pending question, which was ordered; and being put, was determined in the negative—ayes 10, noes 20.

On motion of Mr. Pridemore, the vote was recorded as follows:

Ayes—Messrs. Boykin, Cochran, Graham, Herndon, Johnson, Lewis, Quesenberry, Roller, Terry, and Thomas—10.

Noes—Messrs. Anderson of Pittsylvania, Anderson of Rockbridge, Beazley, Greene, Greever, Grimsley, Kirkpatrick, Lackland, Martin, Norton, Nowlin, Pridemore, Rixey, Robinson, Rue, Smith, Stevens, Taylor of Loudoun, Ward, and Wynne—20.

On motion of Mr. Anderson of Rockbridge, the clause providing for repairs to the capitol was amended by striking out the words “three thousand eight hundred dollars,” and inserting in lieu thereof the words “eight hundred dollars.”

The question being on ordering the bill as amended to its engrossment and third reading,

Mr. Anderson of Rockbridge demanded the pending question, which was ordered; and being put, was determined in the affirmative—ayes 22, noes 11.

On motion of Mr. Graham, the vote was recorded as follows:

Ayes—Messrs. Anderson of Pittsylvania, Anderson of Rockbridge, Beazley, Boykin, Cochran, Grimsley, Herndon, Johnson, Kirkpatrick, Lackland, Lewis, Nowlin, Perrin, Quesenberry, Rixey, Roller, Taylor of Loudoun, Taylor of Norfolk city, Terry, Thomas, Ward, and Wynne—22.

Noes—Messrs. Graham, Greene, Greever, Martin, Norton, Penn, Pridemore, Robinson, Rue, Smith, and Stevens—11.

No. 344, Senate bill to impose a stamp tax on wholesale dealing in distilled spirits, was taken up, on motion of Mr. Thomas, and, on his further motion, laid on the table and made the order for half-past eleven o'clock to-morrow.

Mr. Graham, moved to take up

No. 129, Senate bill to amend and re-enact section 47 of an act entitled an act to amend and re-enact the 47th section of chapter 58 of the

Code of Virginia (edition of 1860), as amended by an act entitled an act making certain banks of the city of Richmond depositaries of public money, passed April 29th, 1867, and the act approved March 29th, 1871, so as to establish such depositories in the city of Richmond—pending which

Mr. Kirkpatrick moved to adjourn; and the question being put thereon, was determined in the affirmative, on division—ayes 20, noes 8. Thereupon

The Chair announced the Senate adjourned until to-morrow, eleven o'clock.

FRIDAY, MARCH 28, 1873.

Mr. Thomas, President pro tempore, in the chair.

A communication from the House of Delegates, by their clerk, was read as follows:

In House of Delegates, March 27, 1873.

The House of Delegates have passed Senate bills entitled an act authorizing the Board of Education to fund the bonds of Virginia belonging to the Literary Fund, No. 293; an act to amend the 1st section of an act approved March 25th, 1871, entitled an act to amend and re-enact the 1st and 2nd sections of an act passed February 3rd, 1866, entitled an act to require a deposit of securities to be made by foreign insurance companies doing business in this State, No. 230; an act to amend the charter of the city of Richmond, No. 308; an act to authorize the corporate authorities of the town of Liberty to borrow money, No. 290; an act to incorporate the Woodstock and Lost River Turnpike Company, No. 103; an act to amend and re-enact an act approved March 18th, 1872, entitled an act for the relief of the late sheriffs of Pittsylvania county, No. 337; an act to amend the 58th section of the act passed at the present session of the General Assembly, entitled an act for the preservation of oysters, and to obtain a revenue for the privilege of taking them within the waters of the Commonwealth, No. 338; an act to incorporate the Danville and Franklin Railroad Company, No. 322; an act to authorize the city of Richmond to contribute to the building of a railroad from Keysville to Clarksville, No. 155; and an act to authorize the Common Council of Petersburg to issue bonds to the amount of \$150,000, for the purpose of paying off the indebtedness of said city, No. 342.

They have passed House bills entitled an act to amend and re-enact chapter 281, Acts of 1866-67, and chapter 252, Acts of 1869-70, in relation to the Clinch River Navigation Company, and for other purposes, No. 286; an act to incorporate the Valley Mining and Manufacturing Company, No. 383; an act authorizing the Board of Supervisors of Elizabeth City county to borrow money to rebuild the court-house of said county, destroyed by fire during the late war, No. 293; an act to authorize the trustees of Lodge No. 1303, Grand United Order of Odd

Fellows, to execute a deed in trust, No. 271; an act to change and define the corporate limits of the town of Stanardsville, in the county of Greene, and for other purposes, No. 378; an act to amend and re-enact section 88 of chapter 76 of Acts of 1869-70, concerning the pay of the judges of election carrying returns to the county clerk's office, No. 352; an act to incorporate the town of Chase City, in the county of Mecklenburg, No. 358; an act to authorize the Board of Public Works to sell the State's interest in the Lynchburg and Salem Turnpike Company, No. 385; an act to amend section 13, chapter 86, Code of 1860, in relation to the vaccine agent of the State, No. 229; an act to provide for the repair of the State capitol and Court of Appeals building, No. 306; an act to provide compensation to the sheriff of the city of Richmond for attending the special court of appeals, the circuit court of the city of Richmond, and the chancery court of the city of Richmond, No. 251; and an act to incorporate the Brocks Gap, Hardy and Hampshire Railroad Company, No. 376; in which bills they respectfully request the concurrence of the Senate.

No. 229, House bill entitled an act to amend section 13, chapter 86, Code of 1860, in relation to the vaccine agent of the State, was read twice, and, on motion of Mr. Meem, the rule requiring the commitment of the same being suspended, was read the third time; and the question on the passage thereof being put, was determined in the affirmative—ayes 23, noes 1.

The vote was recorded as follows:

Ayes—Messrs. Anderson of Pittsylvania, Anderson of Rockbridge, Beazley, Boykin, Cochran, Fitzpatrick, Graham, Greene, Greever, Grimsley, Johnson, Kirkpatrick, Lewis, Martin, Massey, Meem, Nowlin, Nutting, Perrin, Roller, Taylor of Loudoun, Thomas, and Wynne—23.

No—Mr. Pridemore—1.

The title was then agreed to.

Ordered, That the clerk inform the House of Delegates thereof.

No. 251, House bill entitled an act to provide compensation to the sheriff of the city of Richmond for attending the special court of appeals, the circuit court of the city of Richmond, and the chancery court of the city of Richmond, was read twice, and, on motion of Mr. Wynne, the rule requiring the commitment of the same being suspended,

Mr. Lackland moved to amend the same by striking out the words “\$1,200” and inserting in lieu thereof the words “\$500;” and the question being put thereon, was determined in the negative—ayes 8, noes 20.

On motion of Mr. Lackland, the vote was recorded as follows:

Ayes—Messrs. Greever, Lackland, Nowlin, Perrin, Pridemore, Rixey, Roller, and Ward—8.

Noes—Messrs. Anderson of Pittsylvania, Anderson of Rockbridge, Beazley, Boykin, Cochran, Connally, Fitzpatrick, Graham, Greene, Grimsley, Johnson, Lewis, Martin, Massey, Meem, Norton, Nutting, Rue, Thomas, and Wynne.—20.

The bill was then read the third time, and the question on the passage thereof being put, was determined in the affirmative—ayes 22, noes 7.

The vote was recorded as follows:

Ayes—Messrs. Anderson of Pittsylvania, Anderson of Rockbridge, Beazley, Boykin, Cochran, Connally, Fitzpatrick, Greene, Grimsley, Johnson, Kirkpatrick, Lewis, Martin, Massey, Meem, Norton, Nutting, Perrin, Rue, Taylor of Loudoun, Thomas, and Wynne—22.

Noes—Messrs. Graham, Greever, Lackland, Nowlin, Pridemore, Rixey, and Ward—7.

The title of the bill was then agreed to.

Ordered, That the clerk inform the House of Delegates thereof.

No. 306, House bill entitled an act to provide for the repair of the State capitol and the Court of Appeals building, and referred to the committee on public institutions.

No. 385, House bill entitled an act to authorize the Board of Public Works to sell the State's interest in the Lynchburg and Salem Turnpike Company, was read twice, and referred to the committee on roads and internal navigation.

No. 352, House bill entitled an act to amend and re-enact section 88 of chapter 76 of Acts of 1869-70, concerning the pay of the judges of election carrying returns to the county clerk's office, was read twice, and referred to the committee of privileges and election.

No. 378, House bill entitled an act to change and define the corporate limits of the town of Stanardsville, in the county of Greene, and for other purposes, was read twice, and, on motion of Mr. Greene, the rule requiring the commitment of the same being suspended, was read the third time and passed with its title.

Ordered, That the clerk inform the House of Delegates thereof.

No. 271, House bill entitled an act to authorize the trustees of Lodge No. 1303, Grand United Order of Odd Fellows, to execute a deed of trust, was read twice, and, on motion of Mr. Taylor of Loudoun, the rule requiring the commitment of the same being suspended, was read the third time and passed with its title.

Ordered, That the clerk inform the House of Delegates thereof.

No. 293, House bill entitled an act authorizing the Board of Supervisors of Elizabeth City county to borrow money to rebuild the courthouse of said county destroyed by fire during the late war, was read twice, and, on motion of Mr. Grimsley, the rule requiring the commitment of the same being suspended, was read the third time and passed with its title.

Ordered, That the clerk inform the House of Delegates thereof.

No. 388, House bill entitled an act to incorporate the Valley Mining and Manufacturing Company, was read twice, and, on motion of Mr. Meem, the rule requiring the commitment of the same being suspended, was read the third time and passed with its title.

Ordered, That the clerk inform the House of Delegates thereof.

No. 282, House bill entitled an act to amend and re-enact an act entitled an act for the protection of fish in the Roanoke river, west of the Bedford line, in force March 20th, 1872, was read twice, and, on

motion of Mr. Lackland, the rule requiring the commitment of the same being suspended, was read the third time and passed with its title.

Ordered, That the clerk inform the House of Delegates thereof.

No. 286, House bill entitled an act to amend and re-enact chapter 281, Acts of 1866-67, and chapter 252, Acts of 1869-70, in relation to the Clinch River Navigation Company, and for other purposes, was read twice, and referred to the committee on roads and internal navigation.

No. 358, House bill entitled an act to incorporate the town of Chase City, in the county of Mecklenburg, was read twice, and, on motion of Mr. Grimsley, the rule requiring the commitment of the same being suspended, was read the third time and passed with its title.

Ordered, That the clerk inform the House of Delegates thereof.

No. 876, House bill entitled an act to incorporate the Brocks Gap, Hardy and Hampshire Railroad Company, was read twice, and, on motion of Mr. Roller, the rule requiring the commitment of the same being suspended, was read the third time and passed with its title

Ordered, That the clerk inform the House of Delegates thereof.

No. 323, House bill entitled an act authorizing the Rector and Board of Visitors of the University of Virginia to expend a certain sum of money, was taken up, twice read, and, on motion of Mr. Beazley, the rule requiring the commitment of the same being suspended, was read the third time and passed with its title.

Ordered, That the clerk inform the House of Delegates thereof.

No. 328, House bill entitled an act to amend and re-enact the charter of the town of Salem, in the county of Roanoke, was taken up, twice read, and, on motion of Mr. Lackland, the rule requiring the commitment of the same being suspended, was read the third time and passed with its title.

Ordered, That the clerk inform the House of Delegates thereof.

No. 388, House bill entitled act to incorporate the Trustees of the Grand Lodge of the Independent Order of Odd Fellows of the State of Virginia, was taken up, twice read, and, on motion of Mr. Nowlin, the rule requiring the commitment of the same being suspended, was read the third time and passed with its title.

Ordered, That the clerk inform the House of Delegates thereof.

No. 380, House bill entitled an act to amend and re-enact an act entitled an act to provide for a redivision of the county of Fairfax into townships, was taken up, twice read, and, on motion of Mr. Thomas, the rule requiring the commitment of the same being suspended, was read the third time and passed with its title.

Ordered, That the clerk inform the House of Delegates thereof.

No. 264, House bill entitled an act to amend an act entitled an act increasing the powers of the trustees of the town of Falmouth, in the county of Stafford, passed February 18th, 1830, was taken up, twice read, and, on motion of Mr. Herndon, the rule requiring the commitment of the same being suspended, was read the third time and passed with its title.

Ordered, That the clerk inform the House of Delegates thereof.

No. 228, House bill entitled an act to authorize the county court of

Stafford county to appoint commissioners to re-arrange the boundaries of the fence law in said county, was taken up, twice read, and, on motion of Mr. Herndon, the rule requiring the commitment of the same being suspended, was read the third time and passed with its title.

Ordered, That the clerk inform the House of Delegates thereof.

No. 322, House bill entitled an act appropriating a sum of money for the protection of the Eastern Lunatic Asylum from destruction by fire, was taken up, twice read, and, on motion of Mr. Graham, the rule requiring the commitment of the same being suspended, was read the third time, and the question on the passage thereof being put, was determined in the affirmative—ayes 22, noes 1.

The vote was recorded as follows :

Ayes—Messrs. Anderson of Rockbridge, Beazley, Cochran, Graham, Greene, Herndon, Johnson, Kirkpatrick, Lewis, Martin, Meem, Norton, Nowlin, Nutting, Perrin, Quesenberry, Rixey, Stevens, Taylor of Norfolk city, Terry, Thomas, and Wynne—22.

No—Mr. Pridemore—1.

No. 349, House bill entitled an act to amend and re-enact the 5th section of chapter 301 of an act approved March 26th, 1872, entitled an act to incorporate the Shawsville, Jacksonville, Taylorsville and North Carolina Railroad Company, was taken up, twice read, and, on motion of Mr. Nowlin, the rule requiring the commitment of the same being suspended, was read the third time and passed with its title.

Ordered, That the clerk inform the House of Delegates thereof.

Mr. Fitzpatrick, from the committee on general laws, reported without amendment,

No. 315, House bill entitled an act to authorize David S. Cowles to erect a wharf on James river, in the county of James City.

Mr. Taylor of Norfolk city, from the committee on roads and internal navigation, reported with a substitute therefor,

No. 341, Senate bill to incorporate the Richmond and Trans-Alleghany Narrow Gauge Railway Company.

Mr. Thomas offered the following resolution :

Resolved, That the Senate will on this and each succeeding evening meet at eight o'clock until otherwise ordered.

The question on agreeing to the resolution being put, was determined in the affirmative—ayes 24, noes 6.

On motion of Mr. Thomas, the vote was recorded as follows :

Ayes—Messrs. Anderson of Pittsylvania, Beazley, Boykin, Cochran, Fitzpatrick, Graham, Grimsley, Herndon, Johnson, Kirkpatrick, Lackland, Lewis, Martin, Massey, Norton, Nowlin, Nutting, Perrin, Quesenberry, Rixey, Taylor of Loudoun, Terry, Thomas, and Wynne—24.

Noes—Messrs. Anderson of Rockbridge, Greene, Meem, Pridemore, Robinson, and Rue—6.

Mr. Anderson of Pittsylvania, by leave, presented

No. 351, A bill to authorize the Border Agricultural Society of Virginia and North Carolina, at Danville, to appoint police; which, on his motion, was read the first, and ordered to be read a second time.

No. 223, Senate bill to amend and re-enact section 5 of chapter 192

of the Code of 1860, in relation to offences against property, so as to punish more rigorously in certain cases the crime of arson, was taken up, on motion of Mr. Lackland, and the amendment proposed by the House of Delegates was agreed to.

On motion of Mr. Lackland, it was

Ordered, That he inform the House of Delegates thereof.

A message was received from the House of Delegates by Mr. Lovenstein, who informed the Senate that that House had agreed to the following joint resolution :

Resolved (the Senate concurring), That the General Assembly will proceed to the further execution of the joint order, having for its object the election of county judges, in the following order :

Charlotte, Fairfax and Alexandria; Grayson, Halifax, Lunenburg, Montgomery, Nelson, Page, Princess Anne, Russell, and Washington.

The resolution was taken up, on motion of Mr. Nowlin, and agreed to.

On motion Mr. Nowlin, it was

Ordered, That he inform the House of Delegates thereof.

A message was received from the House of Delegates by Mr. Cummings, who informed the Senate that that House was ready on its part to proceed to the execution of the joint order, having for its object the election of county judges.

On motion of Mr. Nowlin, it was

Ordered, That he inform the House of Delegates that the Senate is ready on its part to proceed to the execution of the joint order.

A message was received from the House of Delegates by Mr. Neale, who informed the Senate that in the execution of the joint order of the day, the following gentlemen have been placed in nomination in that House for the office of county judge, viz:

For county judge of Charlotte—Robert C. Bouldin.

For county judge of Fairfax and Alexandria—James Sangster.

For county judge of Grayson—Geo. W. Cornett.

For county judge of Halifax—Thomas Leigh.

For county judge of Lunenburg—Wm. H. Perry.

On motion of Mr. Taylor of Loudoun, it was

Ordered, That he inform the House of Delegates that no additional nominations had been made in the Senate.

The roll was then called for the election of county judge for Charlotte, with the following result:

For Robert C. Bouldin,	-	-	-	-	24
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For John D. Brown,	-	-	-	-	1
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Senators who voted for Mr. Bouldin, are—Messrs. Anderson of Pittsylvania, Anderson of Rockbridge, Beazley, Boykin, Cochran, Connelly, Fitzpatrick, Greever, Grimsley, Herndon, Johnson, Kirkpatrick, Lackland, Meem, Nowlin, Penn, Perrin, Pridemore, Quesenberry, Rixey, Roller, Taylor of Loudoun, Terry, and Ward—24.

Senator who voted for Mr. Brown, is—Mr. Massey—1.

The roll was then called for the election of county judge for the district composed of the counties of Fairfax and Alexandria, with the following result:

For James Sangster,	-	-	-	-	23
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Senators who voted for Mr. Sangster, are—Messrs. Anderson of Pennsylvania, Anderson of Rockbridge, Beazley, Boykin, Cochran, Connally, Fitzpatrick, Greever, Grimsley, Herndon, Johnson, Massey, Meem, Nowlin, Penn, Perrin, Pridemore, Quesenberry, Rixey, Roller, Taylor of Loudoun, Taylor of Norfolk city, and Terry—23.

The roll was then called for the election of county judge for Grayson, with the following result:

For George W. Cornett,	-	-	-	22
For Robert Baker,	-	-	-	1

Senators who voted for Mr. Cornett, are—Messrs. Anderson of Pennsylvania, Anderson of Rockbridge, Beazley, Boykin, Fitzpatrick, Greever, Grimsley, Herndon, Johnson, Lackland, Meem, Nowlin, Penn, Perrin, Pridemore, Quesenberry, Rixey, Roller, Taylor of Loudoun, Taylor of Norfolk city, Terry, and Ward—22.

Senator who voted for Mr. Baker, is—Mr. Massey—1.

The roll was then called for the election of county Judge for Halifax, with the following result:

For Thomas Leigh,	-	-	-	25
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Senators who voted for Mr. Leigh, are—Messrs. Anderson of Pennsylvania, Anderson of Rockbridge, Beazley, Boykin, Cochran, Connally, Fitzpatrick, Greever, Grimsley, Herndon, Johnson, Kirkpatrick, Lackland, Meem, Nowlin, Penn, Perrin, Pridemore, Quesenberry, Rixey, Roller, Taylor of Loudoun, Taylor of Norfolk city, Terry, and Ward—25.

The roll was then call for the election of county judge for Lunenburg, with the following result:

For Wm. H. Perry,	-	-	-	23
For Wm. P. Austin,	-	-	-	1

Senators who voted for Mr. Perry, are—Messrs. Anderson of Pennsylvania, Anderson of Rockbridge, Beazley, Boykin, Cochran, Fitzpatrick, Greever, Grimsley, Herndon, Johnson, Lackland, Lewis, Meem, Nowlin, Perrin, Pridemore, Quesenberry, Rixey, Roller, Taylor of Loudoun, Taylor of Norfolk city, Terry, and Ward—23.

Senator who voted for Mr. Austin, is—Mr. Massey—1.

The President appointed Messrs. Pridemore and Beazley a committee on the part of the Senate to meet a similar committee on the part of the House of Delegates, and count the joint vote of the persons voted for, for the office of county judge for the five preceding judicial districts.

The committee reported through their chairman, Mr. Pridemore, as follows:

For the county judge of Charlotte:

Whole number of votes cast,	-	-	-	93
Necessary to a choice,	-	-	-	47
Of which Robert C. Bouldin received,	-	-	-	92
John D. Brown received,	-	-	-	1

For county judge of Fairfax and Alexandria:

Whole number of votes cast,	-	-	-	96
Necessary to a choice,	-	-	-	49
Of which James Sangster received,	-	-	-	96

For county judge of Grayson:

Whole number of votes cast,	-	-	-	91
Necessary to a choice,	-	-	-	46
Of which George W. Cornett received,	-	-	-	90
Robert Baker received,	-	-	-	1

For county judge of Halifax:

Whole number of votes cast,	-	-	-	95
Necessary to a choice,	-	-	-	48
Of which Thomas Leigh received,	-	-	-	95

For county judge of Lunenburg:

Whole number of votes cast,	-	-	-	100
Necessary to a choice,	-	-	-	51
Of which Wm. H. Perry received,	-	-	-	99
Wm. P. Austin received,	-	-	-	1

Robert C. Bouldin, James Sangster, George W. Cornett, Thomas Leigh, and Wm. H. Perry, having each received a majority of all the votes cast, were severally declared duly elected county judges for their respective counties for the constitutional term of that office, commencing on the 1st of January, 1874.

A message was received from the House of Delegates by Mr. Fitzgerald, who informed the Senate that in the further execution of the joint order, the following gentlemen had been placed in nomination in that House for the office of county judge, viz:

For county judge of Montgomery—John Gardner.

For county judge of Nelson—George S. Stevens.

For county judge of Page—James E. Stewart.

For county judge of Princess Anne—F. M. Whitehurst.

For county judge of Russell—Henry Fry.

On motion of Mr. Nowlin, it was

Ordered, That he inform the House of Delegates that no additional nominations had been made in the Senate.

The roll was then called for the election of county judge for Montgomery, with the following result:

For John Gardner,	-	-	-	-	21
For Gabriel Wharton,	-	-	-	-	2

Senators who voted for Mr. Gardner, are—Messrs. Beazley, Boykin, Fitzpatrick, Greever, Grimsley, Herndon, Johnson, Kirkpatrick, Lackland, Lewis, Meem, Nowlin, Perrin, Pridemore, Quesenberry, Rixey, Roller, Taylor of Loudoun, Taylor of Norfolk city, Terry, and Ward—21.

Senators who voted for Mr. Wharton, are—Messrs. Martin, and Massey—2.

The roll was then called for the election of county judge for Nelson, with the following result:

For George S. Stevens,	-	-	-	-	21
For Orville Loving,	-	-	-	-	1
For C. T. Smith,	-	-	-	-	1

Senators who voted for Mr. Stevens, are—Messrs. Beazley, Boykin, Fitzpatrick, Greever, Grimsley, Herndon, Johnson, Kirkpatrick,

Lackland, Lewis, Meem, Nowlin, Perrin, Pridemore, Quesenberry, Rixey, Roller, Taylor of Loudoun, Taylor of Norfolk city, Terry, and Ward—21.

Senator who voted for Mr. Loving, is—Mr. Martin—1.

Senator who voted for Mr. Smith, is—Mr. Massey—1.

The roll was then called for the election of county judge for Page, with the following result:

For James E. Stewart,	-	-	-	23
For John W. Ashby,	-	-	-	1

Senators who voted for Mr. Stewart, are—Messrs. Anderson of Pittsylvania, Beazley, Boykin, Cochran, Fitzpatrick, Greever, Grimsley, Herndon, Johnson, Kirkpatrick, Lackland, Lewis, Meem, Nowlin, Perrin, Pridemore, Quesenberry, Rixey, Roller, Taylor of Loudoun, Taylor of Norfolk city, Terry, and Ward—23.

Senator who voted for Mr. Ashby, is—Mr. Martin—1.

The roll was then called for the election of county judge for Princess Anne, with the following result:

For F. M. Whitehurst,	-	-	-	22
For Matthew P. Rue,	-	-	-	1

Senators who voted for Mr. Whitehurst, are—Messrs. Anderson of Rockbridge, Beazley, Boykin, Fitzpatrick, Greever, Grimsley, Herndon, Johnson, Kirkpatrick, Lackland, Lewis, Martin, Meem, Nowlin, Perrin, Pridemore, Quesenberry, Rixey, Roller, Taylor of Loudoun, Taylor of Norfolk city, and Ward—22.

Senator who voted for Mr. Rue, is—Mr. Massey—1.

The roll was then called for the election of county judge for Russell, with the following result:

For Henry Fry,	-	-	-	23
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Senators who voted for Mr. Fry, are—Messrs. Anderson of Rockbridge, Beazley, Boykin, Cochran, Fitzpatrick, Greever, Grimsley, Herndon, Johnson, Kirkpatrick, Lackland, Lewis, Meem, Nowlin, Perrin, Pridemore, Quesenberry, Rixey, Roller, Taylor of Loudoun, Taylor of Norfolk city, Terry, and Ward—23.

The President appointed Messrs. Greever and Taylor of Loudoun a committee on the part of the Senate to meet a similar committee on the part of the House of Delegates, and count the joint vote of the persons voted for, for the office of county judge of each of the five preceding judicial districts.

The committee through their chairman, Mr. Greever, reported as follows:

For county judge of Montgomery :				
Whole number of votes cast,				108
Necessary to a choice,				52
Of which John Gardner received,				101
Gabriel Wharton received,				2
For county judge of Nelson :				
Whole number of votes cast,				105
Necessary to a choice,				53
Of which George S. Stevens received,				103

Of which Orville Loving received,	.	.	1
C. T. Smith received,	.	.	1
For county judge of Page:			
Whole number of votes cast,	.	.	104
Necessary to a choice,	.	.	53
Of which James E. Stewart received,	.	.	103
John W. Ashby received,	.	.	1
For county judge of Princess Anne:			
Whole number of votes cast,	.	.	104
Necessary to a choice,	.	.	53
Of which F. M. Whitehurst received,	.	.	103
Matthew P. Rue received,	.	.	1
For county judge of Russell:			
Whole number of votes cast,	.	.	103
Necessary to a choice,	.	.	52
Of which Henry Fry received,	.	.	103

John Gardner, George S. Stevens, James E. Stewart, F. M. Whitehurst, and Henry Fry, having each received a majority of all the votes cast, were severally declared duly elected county judges for their respective counties for the constitutional term of that office, commencing on the first of January, 1874.

A message was received from the House of Delegates by Mr. Fulker-
son, who informed the Senate that in the further execution of the joint
order, Mr. R. M. Page had been placed in nomination in that House for
the office of county judge of Washington.

On motion of Mr. Greever, it was

Ordered, That he inform the House of Delegates that no additional
nominations had been made in the Senate.

The roll was then called for the election of county judge of Washington, with the following result:

For R. M. Page,	-	-	-	-	23
For James S. Greever,	-	-	-	-	8

Senators who voted for Mr. Page, are—Messrs. Anderson of Pittsyl-
vania, Beazley, Boykin, Cochran, Fitzpatrick, Greever, Grimsley, Hern-
don, Holladay, Hundley, Johnson, Kirkpatrick, Lackland, Meem, Now-
lin, Quesenberry, Roller, Smith, Taylor of Loudoun, Taylor of Norfolk
city, Terry, Thomas, and Ward—23.

Senators who voted for Mr. Greever, are—Messrs. Graham, Martin,
and Massey—3.

The President appointed Messrs. Grimsley and Graham a committee
on the part of the Senate to meet a similar committee on the part of the
House, and count the joint vote of the two Houses.

The committee through their chairman, Mr. Grimsley, reported as
follows:

For county judge of Washington :					
Whole number of votes cast,	-	-	-	-	106
Necessary to a choice,	-	-	-	-	54
Of which R. M. Page received,	-	-	-	-	103
James S. Greever received,	-	-	-	-	8

R. M. Page, having received a majority of all the votes cast, was declared duly elected county judge for Washington for the constitutional term of that office, commencing on the 1st of January, 1874.

The unfinished business of yesterday was taken up, being the motion of Mr. Graham to take up the following bill:

No. 129, Senate bill to amend and re-enact section 47 of an act entitled an act to amend and re-enact the 47th section of chapter 58 of the Code of Virginia (edition of 1860), as amended by an act entitled an act making certain banks of the city of Richmond depositories of public money, passed April 29th, 1867, and the act approved March 29th, 1871, so as to establish such depositories in the city of Richmond.

The question on agreeing to the motion being put, was determined in the negative—ayes 11, noes 19.

On motion of Mr. Graham, the vote was recorded as follows:

Ayes—Messrs. Anderson of Rockbridge, Graham, Greever, Martin, Meem, Norton, Pridemore, Roller, Rue, Terry, and Ward—11.

Noes—Messrs. Beazley, Boykin, Cochran, Connally, Fitzpatrick, Herndon, Holladay, Hundley, Johnson, Kirkpatrick, Lackland, Lewis, Massey, Nowlin, Penn, Perrin, Quesenberry, Rixey, and Taylor of Loudoun—19.

A message was received from the House of Delegates by Mr. Gilman, who informed the Senate that that House had agreed to a joint resolution authorizing the Governor to appoint commissioners from Virginia to the Vienna Exposition, No. 389.

No. 116, House bill entitled an act to more effectually punish embezzlement, was taken up, on motion of Mr. Fitzpatrick; and the question being on agreeing to the substitute proposed by the committee for courts of justice,

Mr. Connally moved to amend the same by striking out, in the 3rd section, the words “with intent to defraud;” on this proposition

Mr. Thomas demanded the pending question, which was ordered; and being put, was determined in the negative, on division—ayes 6, noes 19.

The question recurring on the adoption of the substitute,

Mr. Johnson demanded the pending question, which was ordered; and being put, was determined in the affirmative.

The bill, as amended, was then read the third time; and the question being on its passage,

Mr. Thomas demanded the pending question, which was ordered; and being put, was determined in the affirmative—ayes 19, noes 12.

On motion of Mr. Connally, the vote was recorded as follows:

Ayes—Messrs. Anderson of Rockbridge, Beazley, Fitzpatrick, Greene, Greever, Herndon, Hundley, Johnson, Kirkpatrick, Lackland, Norton, Nowlin, Penn, Rixey, Rue, Smith, Thomas, Ward, and Wynne—19.

Noes—Messrs. Boykin, Connally, Graham, Grimsley, Holladay, Martin, Meem, Perrin, Pridemore, Quesenberry, Taylor of Loudoun, and Terry—12.

The title was then amended as proposed by the committee for courts of justice, and agreed to in these words:

“An act to prevent fraudulent conversions of money on property,

and the fraudulent failure to comply with certain contracts or agreements, and to repeal sections 21 and 22 of chapter 192 of the Code of 1860, in relation to embezzlement."

Ordered, That the clerk inform the House of Delegates thereof and request their concurrence in the amendments.

A message was received from the House of Delegates by Mr. Kelley, who informed the Senate that that House had passed Senate bill entitled an act to authorize the Fredericksburg, Orange and Charlottesville Railroad Company to create a new and first mortgage on its property and franchises, No. 345.

The bill was taken up, on motion of Mr. Herndon, and the amendments proposed by the House of Delegates were agreed to.

Ordered, That the clerk inform the House of Delegates thereof.

No. 335, Senate bill appropriating the public revenue for the fiscal year 1872-73, was taken up, on motion of Mr. Thomas, read the third time, and the question being on the passage of the bill, Mr. Thomas demanded the pending question, which was ordered; and being put, was determined in the affirmative—ayes 24, noes 7.

The vote was recorded as follows :

Ayes—Messrs. Anderson of Pittsylvania, Anderson of Rockbridge, Beazley, Boykin, Cochran, Connally, Fitzpatrick, Herndon, Holladay, Hundley, Johnson, Kirkpatrick, Lackland, Lewis, Meem, Nowlin, Perrin, Quesenberry, Rixey, Taylor of Loudoun, Taylor of Norfolk city, Thomas, Ward, and Wynne—24

Noes—Messrs. Greene, Greever, Norton, Penn, Pridemore, Rue, and Smith—7.

The title was then agreed to.

On motion of Mr. Thomas, it was

Ordered, That he inform the House of Delegates thereof and request their concurrence therein.

Mr. Penn offered the following joint resolutions, which lie over under the rules :

Resolved by the General Assembly, That the Auditor of Public Accounts be authorized to draw his warrant on the Treasurer of the State in favor of the commissioners appointed under the act of February 4th, 1871, to adjust the boundary line between Virginia and Maryland for an amount not in excess of ten dollars each for each day the said commissioners were actually engaged in discharging the duties imposed on them under said act, and the said commissioners are hereby discharged from further efforts to establish said line.

2. That the Attorney General of the State be and he is hereby authorized to institute proper proceedings in the courts of the United States for the establishing of the true boundary line between Virginia and Maryland, and that in conjunction with the Governor he be authorized to retain assistant counsel to represent the rights of this State in the premises.

Mr. Penn moved to suspend the rules for the purpose of taking up the resolutions to-day; and the question being put thereon, was determined in the affirmative, on division—ayes 18, noes 7.

The question being on agreeing to the resolutions,

Mr. Wynne offered the following as a substitute for the joint resolutions :

1. Resolved (the House of Delegates concurring), That the commissioners on the boundary line between Virginia and Maryland, North Carolina and Tennessee be and hereby are requested to make out their accounts for services rendered the State under their appointment, and to present the same, together with a statement of all expenditures made and obligations incurred in connection with the same up to the 1st of April, 1873.

2. Resolved, That the Governor of the State, the Secretary of the Commonwealth, and the Treasurer be and hereby are appointed a commission to consider these claims and expenses, and to report their decisions for their settlement: provided it shall not amount to more than \$10 per diem for each day engaged upon the same.

3. Resolved, That the services of the commissioners appointed to arrange the boundary lines be dispensed with from and after the 1st of April, 1873.

4. Resolved, That the commissioners named in the second resolution be and hereby are requested to correspond with the Superintendent of the United States Coast Survey, with the view of ascertaining whether or not it would be advisable (with the consent and concurrence of the authorities of the State of Maryland), to refer the question of the disputed territory to the officers of the coast survey.

Mr. Kirkpatrick moved to amend the resolution offered by Mr. Penn by adding the following proviso :

Provided the amount paid under the act, with what said commissioners have already received, shall not exceed the said per diem. Thereupon,

On motion of Mr. Pridemore, the Senate adjourned until 8 o'clock tonight.

EVENING SESSION.

The unfinished business when the Senate took a recess being the joint resolutions for paying the Maryland and Virginia Boundary Commissioners, discharging said commissioners from further duties, and authorizing the institution of proceedings in the courts of the United States to establish the true boundary line, and the pending question being on agreeing to the amendment offered by Mr. Kirkpatrick,

Mr. Penn proposed to withdraw the resolutions for the purpose of allowing the chairman of the committee on federal relations to call up the report of the committee; but objection being made to the withdrawal, the question was put on agreeing to the said amendment to the resolutions and determined in the affirmative; and the question being on agreeing to the resolutions as amended, Mr. Kirkpatrick offered a substitute (modified at the suggestion of Mr. Wynne) for the 2nd resolution—when

Mr. Quesenberry moved to refer the resolutions and amendments to a select committee of five; and the question being put thereon, was determined in the negative.

The question recurring on agreeing to the substitute offered by Mr. Kirkpatrick for the 2nd resolution offered by Mr. Penn, and being put, was determined in the affirmative—ayes 26, noes 6.

On motion of Mr. Kirkpatrick the vote was recorded as follows:

Ayes—Messrs. Anderson of Pittsylvania, Beazley, Fitzpatrick, Greer, Grimsley, Herndon, Hundley, Kirkpatrick, Lackland, Martin, Meem, Norton, Perrin, Pridemore, Quesenberry, Rixey, Robinson, Rue, Smith, Stevens, Taylor of Loudoun, Taylor of Norfolk city, Terry, Thomas, Ward, and Wynne—26.

Noes—Messrs. Boykin, Cochran, Graham, Johnson, Penn, and Roller.

The question being on agreeing to the resolutions of Mr. Penn as amended, Mr. Kirkpatrick moved further to amend the same by adding the following additional resolution (being a part of the report of the committee on federal relations):

“3. Resolved by the General Assembly of Virginia, That no warrants heretofore or hereafter issued from the Land Office of the State of Virginia shall be located on the shores, banks or islands of the Potomac river, or on the land, shores or islands of the territory in dispute between Maryland and Virginia from Watkin’s Point to the Atlantic Ocean; nor shall any patent be issued from said office for any portion whatever of the shores, banks or islands of the Potomac river, or of the land, shores or islands of the said disputed territory until after the line on the Potomac river and on the Eastern Shore of the Chesapeake bay shall be settled and fixed between the said two States, and not then on the Virginia side of said line until after the location and price per acre of said warrants and patents shall be further regulated by law.”

The question on agreeing to the amendment being put, was determined in the affirmative, on division—ayes 18, noes 9.

The question recurring on agreeing to the resolutions as amended,

Mr. Roller offered as a substitute therefor the report of the committee on federal relations.

Mr. Herndon moved to amend the said report by striking out the 2nd resolution and inserting in lieu thereof the resolution reported from the minority of the said committee; which amendment was accepted by Mr. Roller.

Mr. Pridemore moved further to amend the resolutions by striking out the words “1st of October,” and inserting in lieu thereof “1st of June;” and the question being put thereon, was determined in the negative.

The substitute was further modified at the suggestion of Mr. Wynne.

The question on agreeing to the substitute as modified being put, was determined in the negative—ayes 14, noes 16.

On motion of Mr. Boykin the vote was recorded as follows:

Ayes—Messrs. Beazley, Boykin, Cochran, Graham, Herndon, Hundley, Johnson, Penn, Perrin, Roller, Taylor of Loudoun, Taylor of Norfolk city, Terry, and Thomas—14.

Noes—Messrs. Anderson of Pittsylvania, Anderson of Rockbridge, Fitzpatrick, Greever, Kirkpatrick, Lackland, Martin, Meem, Pridemore, Rixey, Robinson, Rue, Smith, Stevens, Ward, and Wynne—16.

The question recurring on agreeing to the resolutions offered by Mr. Penn as amended, and being put, was determined, for want of a constitutional majority, in the negative—ayes 20, noes 10.

The vote was recorded as follows:

Ayes—Messrs. Anderson of Pittsylvania, Anderson of Rockbridge, Beazley, Cochran, Fitzpatrick, Herndon, Kirkpatrick, Lackland, Martin, Meem, Penn, Perrin, Quesenberry, Rixey, Robinson, Rue, Stevens, Thomas, Ward, and Wynne—20.

Noes—Messrs. Boykin, Graham, Greever, Hundley, Johnson, Pridemore, Roller, Smith, Taylor of Loudoun, and Terry—10.

Mr. Quesenberry moved that a select committee of five be appointed, to which shall be referred the subjects in connection with the boundary line between Virginia and Maryland—and

The question on agreeing thereto being put, was determined in the affirmative, on division—ayes 16, noes 9.

The President appointed as the committee, Messrs. Roller, Penn, Kirkpatrick, Wynne, and Herndon.

Mr. Roller was, upon his motion, excused from service on the committee, and the Chair added Mr. Fitzpatrick to the committee.

Mr. Thomas made a motion to take up

No. 344, Senate bill to impose a stamp tax on wholesale dealing in distilled spirits; and the question being put thereon, was determined in the affirmative—ayes 22, noes 7.

On motion of Mr. Thomas, the vote was recorded as follows:

Ayes—Messrs. Anderson of Pittsylvania, Anderson of Rockbridge, Beazley, Boykin, Cochran, Fitzpatrick, Greever, Herndon, Hundley, Johnson, Kirkpatrick, Lackland, Martin, Meem, Quesenberry, Roller, Smith, Taylor of Loudoun, Taylor of Norfolk city, Terry, Thomas, and Wynne—22.

Noes—Messrs. Graham, Penn, Perrin, Pridemore, Rixey, Robinson, and Rue—7.

The bill was read the second time, and the question being on ordering the bill to its engrossment and third reading—and pending which,

On motion of Mr. Graham, the Senate adjourned until to-morrow, eleven o'clock.

SATURDAY, MARCH 29, 1873.

Mr. Thomas, president pro tempore, in the chair.

A communication from the House of Delegates, by their clerk, was read as follows:

In House of Delegates, March 28, 1873.

The House of Delegates have agreed to the report of the special joint committee to investigate the charges against the conduct of the Ladies'

Mount Vernon Association; and have passed Senate bills entitled an act to provide for the removal of certain criminal causes from the county court to the circuit court, No. 326; an act to incorporate the Agricultural and Industrial Association of Alexandria, Virginia, No. 312; an act to incorporate the Oakland Institute at Doe Hill, Highland county, Virginia, No. 331; an act for the relief of Sarah F. Gayle of the city of Portsmouth, No. 166; and an act to incorporate the Rockbridge McAdam Road Company, No. 332. They have agreed to the amendments of the Senate to House bill entitled an act to prohibit the receiving of coupons for all portions of the public revenue set apart by the Constitution for public free school purposes and for the permanent Literary Fund, No. 140.

They have passed House bills entitled an act to incorporate the Richmond Hebrew Benevolent Society, No. 305; an act to amend section 86 of the act of 19th March, 1872, in relation to vacancies in office, No. 261; an act to amend and re-enact an act entitled an act to amend and re-enact an act to amend the 40th section of chapter 101 of the Code of 1860, to prevent the destruction of wild fowl in this State, approved March 13, 1872, approved February 11, 1873, No. 369; an act to amend sections 46 and 52, chapter 87, Code of 1860, as amended by an act passed April 20, 1867, entitled an act to amend certain sections of chapter 87, Code of 1860, and in relation to the inspection of tobacco, and the 3d section of said act passed as aforesaid, No. 242; an act to incorporate land companies in the respective counties in the State of Virginia, No. 43; an act to incorporate the trustees of Sullin College, of Goodson, Washington county, Virginia, No. 363; an act to amend and re-enact section 1 of an act passed February 2d, 1865, entitled an act to authorize express and other transportation companies to sell unclaimed freights, No. 189; an act to authorize the supervisors of Northampton county to erect guide boards or posts on the public roads, marking the lines of election precincts, No. 333; an act to extend the time within which Thorton F. Berry, late sheriff of Madison county, may collect the taxes for the years 1866, 1867 and 1868, No. 232; an act to amend and re-enact an act passed March 14, 1860, entitled an act to incorporate the Branch Coal Mining Company, No. 295; an act incorporating Leesburg and Goose Creek Bridge Company, No. 386; an act to amend and re-enact section 3, chapter 48, Code of 1867, as amended by an act approved March 18, 1872, in relation to the compensation of the justices of the peace, No. 184; an act to establish a port warden's line on Smith's creek and Elizabeth river near Fort Norfolk, No. 329; and an act to amend the title of an act approved March 19, 1873, entitled an act to amend and re-enact sections 6, 14 and 27 of an act providing a charter for the city of Norfolk, in force March 16, 1871, as amended by act in force March 4, 1872, No. 362.

No. 242, House bill entitled an act to amend section 46 and 52, chapter 87, Code of 1860, as amended by act passed April 20, 1867, entitled an act to amend certain sections of chapter 87, Code of 1860, and in

relation to the inspection of tobacco, and the 3d section of said act passed as aforesaid, was taken up and read twice—when

Mr. Fitzpatrick moved to suspend the rule requiring the commitment of the same, and the question being put thereon, was determined in the negative; and the bill (with a substitute therefor of Mr. Kirkpatrick) was referred to the committee on general laws.

No. 386, House bill entitled an act incorporating Leesburg and Goose Creek Bridge Company, was read twice, and, on motion of Mr. Thomas, the rule requiring the commitment of the same being suspended, was read the third time and passed with its title.

Ordered, That the clerk inform the House of Delegates thereof.

No. 295, House bill entitled an act to amend and re-enact an act passed March 14, 1860, entitled an act to incorporate the Branch Coal Mining Company, was read twice, and, on motion of Mr. Quesenberry, the rule requiring the commitment of the same being suspended, was read the third time and passed with its title.

Ordered, That the clerk inform the House of Delegates thereof.

No. 232, House bill entitled an act to extend the time within which Thorton F. Berry, late sheriff of Madison county, may collect the taxes for the years 1866, 1867 and 1868, was taken up, read twice and, on motion of Mr. Anderson of Rockbridge, the rule requiring the commitment of the same being suspended, was read the third time—when,

On motion of Mr. Pridemore, the bill was laid on the table.

No. 333, House bill entitled an act to authorize the supervisors of Northampton county to erect guide boards or posts on the public roads, marking the lines of election precincts, was taken up, read twice, and on motion of Mr. Johnson, the rule requiring the commitment of the same being suspended, was read the third time and passed with its title.

Ordered, That the clerk inform the House of Delegates thereof.

No. 184, House bill entitled an act to amend and re-enact section 3, chapter 48, Code of 1860, as amended by an act approved March 18, 1872, in relation to the compensation of the justices of the peace, was read twice, and on motion of Mr. Wynne, the rule requiring the commitment of the same being suspended, Mr. Pridemore made an unsuccessful motion to lay the bill on the table.

The bill was then read the third time and passed with its title.

Ordered, That the clerk inform the House of Delegates thereof.

No. 362, House bill entitled an act to amend the title of an act approved March 19, 1873, entitled an act to amend and re-enact sections 6, 14 and 27 of an act providing a charter for the city of Norfolk, in force March 16, 1871, as amended by an act in force March 4, 1872, was read twice, and, on motion of Mr. Taylor of Norfolk city, the rule requiring the commitment of the same being suspended was read the third time and passed with its title.

Ordered, That the clerk inform the House of Delegates thereof.

No. 369, House bill entitled an act to amend and re-enact an act entitled an act to amend and re-enact an act to amend the 40th section of chapter 101 of the Code of 1860, to prevent the destruction of wild

fowl in this State, approved March 13, 1872, February 11, 1873, was read twice and referred to the committee on general laws.

No. 261, House bill entitled an act to amend section 86 of the act of 19th March, 1872, in relation to vacancies in office, was twice read, and referred to the committee for courts of justice.

No. 305, House bill entitled an act to incorporate the Richmond Hebrew Benevolent Society, was twice read, and, on motion of Mr. Wynne, the rule requiring the commitment of the same being suspended, was read the third time and passed with its title.

Ordered, That the clerk inform the House of Delegates thereof.

No. 189, House bill entitled an act to amend and re-enact section 1 of an act passed February 2, 1865, entitled an act to authorize express and other transportation companies to sell unclaimed freights, was twice read, and, on motion of Mr. Fitzpatrick, the rule requiring the commitment of the same being suspended, was read the third time and passed with its title.

Ordered, That the clerk inform the House of Delegates thereof.

No. 329, House bill entitled an act to establish a port warden's line in Smith's creek and Elizabeth river near Fort Norfolk, was twice read, and referred to the committee on roads and internal navigation.

No. 43, House bill entitled an act to incorporate land companies in the respective counties in the State of Virginia, was twice read, and, on motion of Mr. Meem, the rule requiring the commitment of the same being suspended, was read the third time and passed with its title.

Ordered, That the clerk inform the House of Delegates thereof.

No. 363, House bill entitled an act to incorporate the trustees of Sul-lin College of Goodson, Washington county, Virginia, was twice read, and, on motion of Mr. Anderson of Rockbridge, the rule requiring the commitment of the same being suspended, was read the third time and passed with its title.

Ordered, That the clerk inform the House of Delegates thereof.

No. 389, House joint resolutions authorizing the Governor to appoint commissioners from Virginia to the Vienna exposition, was twice read, and, on motion of Mr. Wynne, the rule requiring the commitment of the same being suspended, was read the third time and agreed to.

Ordered, That the clerk inform the House of Delegates thereof.

Mr. Penn, from the committee of privileges and elections, reported with the recommendation that it do not pass,

No. 352, House bill entitled an act to amend and re-enact section 88 of chapter 76 of Acts of 1869-70, concerning the pay of the judges of election carrying returns to the county clerk's office.

Mr. Boykin, from the committee on finance, reported with the recommendation that it do not pass,

No. 292, House bill entitled an act to authorize Stephen Thomas, former sheriff of Grayson county, to collect unpaid tax tickets, fee bills and county levies for the years 1859 and 1860, under certain restrictions.

Mr. Taylor of Norfolk city, from the committee on roads and internal navigation, reported without amendment,

No. 385, House bill entitled an act to authorize the Board of Public Works to sell the State's interest in the Lynchburg and Salem Turnpike Company.

He, from the same committee, reported without amendment,

No. 286, House bill entitled an act to amend and re-enact chapter 281, Acts of 1866-67, and chapter 252, Acts of 1869-70, in relation to the Clinch River Navigation Company and for other purposes.

He, from the same committee, reported declaring it inexpedient to legislate on the subject at this late period of the session.

No. 312, House bill entitled an act to amend and re-enact an act to incorporate the Stafford Free Bridge Company.

And he, from the same committee, reported asking to be discharged from its further consideration,

No. 332, House bill entitled an act to authorize the Board of Supervisors of Craig county and Alleghany county to contract for keeping in repair certain public roads in said counties.

Mr. Penn, from the special committee on the subjects connected with boundary between Virginia and Maryland, presented the following report:

Resolved by the General Assembly, That the Auditor of Public Accounts be authorized to draw his warrant on the Treasurer of the State in favor of the several commissioners appointed under the act of February 4th, 1871, to adjust the boundary line between Virginia and Maryland, for an amount which, including what they have heretofore received, shall not exceed ten dollars each for each day the said commissioners were actually engaged in discharging the duties imposed on them under said act, and they shall render to the Auditor of Public Accounts an itemized account showing the number of days they were actually employed, the amounts heretofore paid to them for service rendered, and of all disbursements of the appropriations which have been made; and it being apparent that the commissioners appointed by Virginia and Maryland are unable to make any final settlement of the differences in controversy, the commissioners on the part of Virginia are hereby relieved from further duty under their said appointment.

2. And the General Assembly desiring most earnestly to settle permanently and amicably all differences which exists between Virginia and her sister State of Maryland as to their boundary lines, the Governor is hereby requested to propose to that State a submission of all such differences to arbitrators, mutually chosen, whose decision shall be final and conclusive; and if said proposition shall be accepted, the Governor of this State shall, with the concurrence of the authorites of Maryland, correspond with the United States Coast Survey to ascertain what assistance may be rendered by its officers in settling all such differences: provided, however, no engagement involving the expenditure of money shall be entered into without the consent of the General Assembly.

3. No warrants heretofore or hereafter issued from the Land Office of the State of Virginia shall be located on the shores, banks, or islands of the Potomac river, or on the land, shores, or islands of the territory in

dispute between Maryland and Virginia, from Watkins' Point to the Atlantic ocean; nor shall any patents be issued from said office for any portion whatever of the shores, banks, or islands of the Potomac river, or of the land, shores, or islands of the said disputed territory until after the line on the Potomac river and on the eastern shore of the Chesapeake bay shall be settled and fixed between the said two States, and not then on the Virginia side of said line until after the location and price per acre of said warrants; and patents shall be further regulated by law, and no patent issued, or warrant located (since the 1st of April, 1865,) upon any portion of the said disputed territory, or upon any portion of the shores, banks, or islands of the said Potomac river shall be deemed valid.

The joint resolutions reported from the committee were taken up, on motion of Mr. Penn, and the question being on agreeing thereto,

Mr. Nowlin arose to a question of order, which he stated as follows:

"That under the law no appropriation of public money can be made by joint resolution; and that if the joint resolution be technically regarded as a bill, then the Constitution provides that no bill shall become a law until it has been read on three different days of the session in the House in which it originated, unless two-thirds of the members shall otherwise determine.

The President (Lieutenant-Governor Mayre in the chair) stated that in principle he concurred with the Senator from Carroll, but as it had recently been the practice of the General Assembly to make appropriations of money by resolutions, and, in this body, not to require them to be read more than once, he would not interpose his own views against that practice.

From this decision of the Chair Mr. Nowlin appealed; and the question being put, "Shall the decision of the Chair stand as the judgment of the Senate?" was determined in the affirmative, on division—ayes 18, noes 9.

The question recurring on agreeing to the resolutions, and being put, was determined (for want of a constitutional majority) in the negative—ayes 19, noes 10.

The vote was recorded as follows:

Ayes—Messrs. Beazley, Cochran, Connally, Fitzpatrick, Greene, Grimsley, Johnson, Kirkpatrick, Lackland, Martin, Penn, Pridemore, Quesenberry, Rixey, Taylor of Loudoun, Taylor of Norfolk city, Thomas, Ward, and Wynne—19.

Noes—Messrs. Hundley, Massey, Norton, Nowlin, Perrin, Robinson, Roller, Rue, Stevens, and Terry—10.

On motion of Mr. Rue, the vote by which the resolutions were rejected was reconsidered; and the question recurring on agreeing thereto,

Mr. Wynne moved to amend the same by striking out all after the first resolution; and on this proposition

Mr. Penn demanded the pending question, which was ordered; and being put, was determined in the affirmative.

The question on agreeing to the resolutions as amended being put, was determined (for want of a constitutional majority) in the negative—ayes 19, noes 15.

The vote was recorded as follows:

Ayes—Messrs. Anderson of Rockbridge, Beazley, Cochran, Fitzpatrick, Greene, Grinsley, Kirkpatrick, Lackland, Martin, Massey, Meem, Penn, Pridemore, Robinson, Rue, Stevens, Thomas, Ward, and Wynne—19.

Noes—Messrs. Boykin, Graham, Hundley, Johnson, Lewis, Norton, Nowlin, Perrin, Quesenberry, Rixey, Roller, Smith, Taylor of Loudoun, Taylor of Norfolk city, and Terry—15.

Mr. Taylor of Loudoun offered the following resolution, modified at the suggestion of Mr. Quesenberry:

Resolved, That when the Senate adjourns to-day, it adjourn to meet at ten o'clock on Monday next.

The question being on agreeing to the resolution,

Mr. Thomas moved to lay the resolution on the table, and the question being put thereon, was determined in the negative—ayes 9, noes 22.

On motion of Mr. Thomas, the vote was recorded as follows:

Ayes—Messrs. Anderson of Rockbridge, Hundley, Lackland, Penn, Pridemore, Roller, Smith, Stevens, and Thomas—9.

Noes—Messrs. Beazley, Boykin, Cochran, Fitzpatrick, Greene, Johnson, Kirkpatrick, Lewis, Martin, Massey, Norton, Nowlin, Perrin, Quesenberry, Rixey, Robinson, Rue, Taylor of Loudoun, Taylor of Norfolk city, Terry, Ward, and Wynne—22.

The question recurring on agreeing to the resolution,

Mr. Thomas moved to amend the same by striking out the word “to-day,” and inserting in lieu thereof the word “to-night;” and the question being put thereon, was determined in the negative—ayes 8, noes 23.

On motion of Mr. Thomas, the vote was recorded as follows:

Ayes—Messrs. Anderson of Rockbridge, Cochran, Hundley, Lackland, Roller, Smith, Terry, and Thomas—8.

Noes—Messrs. Beazley, Boykin, Fitzpatrick, Greene, Johnson, Kirkpatrick, Lewis, Martin, Massey, Norton, Nowlin, Penn, Perrin, Pridemore, Quesenberry, Rixey, Robinson, Rue, Stevens, Taylor of Loudoun, Taylor of Norfolk city, Ward, and Wynne—23.

The question recurring on agreeing to the resolution, and being put, was determined in the affirmative.

Mr. Smith, by leave, presented

No. 352. A bill to amend and re-enact the 1st, 2nd, and 3rd sections of the act to authorize the formation of the New River Railroad Mining and Manufacturing Company, approved March 7th, 1872; which, on his motion, was read the first, and ordered to be read a second time.

Senate joint resolutions appointing commissioners on the part of the State of Virginia to represent the wishes of her people in relation to the completion of the James River and Kanawha Canal before the Congress of the United States, was taken up, on motion of Mr. Roller, and, on his further motion, Marshall Parks was added as one of the commissioners.

On motion of Mr. Thomas, Joseph Segar was added as one of the commissioners.

On motion of Mr. Taylor of Loudoun, the resolutions were further amended by adding the following proviso:

"Provided that no cost whatever shall be incurred by the State by reason of or for this commission."

The question being on agreeing to the resolution as amended,

Mr. Greene demanded the pending question, which was ordered; and being put, was determined in the affirmative—ayes 18, noes 14.

On motion of Mr. Boykin, the vote was recorded as follows:

Ayes—Messrs. Anderson of Rockbridge, Beazley, Cochran, Graham, Greene, Lackland, Lewis, Martin, Massey, Norton, Nutting, Rixey, Robinson, Roller, Taylor of Loudoun, Taylor of Norfolk city, Thomas, and Wynne—18.

Noes—Messrs. Anderson of Pennsylvania, Boykin, Fitzpatrick, Hunday, Kirkpatrick, Nowlin, Penn, Perrin, Pridemore, Quesenberry, Rue, Smith, Stevens, and Ward—14.

Ordered, That the clerk inform the House of Delegates thereof and request their concurrence therein.

The protest heretofore offered by Mr. Greene was taken up, on his motion, and he substituted therefor the following:

SENATE CHAMBER,

SENATE CHAMBER,
RICHMOND VA., March 20, 1873.

RICHMOND, Va., March 12, 1853.

The undersigned, members of the Senate of Virginia, desire respectfully to enter our earnest protest against proceeding to the election of judges by this General Assembly, believing such action to be illegal and contrary to the spirit of the Constitution, by providing for the election by the present Legislature instead of the next, which is to be chosen prior to the expiration of the term of service of the present judges.

For these reasons we propose to abstain from all responsibility for this unwise action.

(Signed,)

R. G. GREENE,
H. D. NUTTING,
Wm. T. MARTIN,
D. M. NORTON,
M. P. RUE,
Wm. N. STEVENS,
GEO. W. GRAHAM,
A. P. LATHROP,
JOHN ROBINSON.

The question being shall the protest be read and entered on the journal.

Mr. Kirkpatrick demanded the pending question, which was ordered; and being put, was determined in the affirmative—ayes 28, noes 6.

On motion of Mr. Hundley, the vote was recorded as follows:

Ayes—Messrs. Anderson of Rockbridge, Beazley, Cochran, Connally, Fitzpatrick, Graham, Greene, Grimsley, Holladay, Kirkpatrick, Lackland, Martin, Massey, Meem, Norton, Penn, Pridemore, Rixey, Robinson, Roller, Rue, Smith, Taylor of Loudoun, Taylor of Norfolk city, Terry, Thomas, Ward, and Wynne—28.

Noes—Messrs. French, Hundley, Johnson, Lathrop, Quesenberry, and Stevens—6.

On motion of Mr. Greene, by general consent, the last clause was modified so as to read “For these reasons we disclaim all responsibility for this unwise action.”

No. 45, House bill entitled an act to amend and re-enact sections 15, 16 and 17 of chapter 37 of the Code, with reference to sales of lands for taxes, was taken up on motion of Mr. Wynne; and, on motion of Mr. Thomas, the vote by which the amendments were agreed to was reconsidered—when, by general consent, he withdrew the same.

The bill was then read the third time and passed with its title.

Ordered. That the clerk inform the House of Delegates thereof.

No. 286, House bill entitled an act to amend and re-enact chapter 281, Acts of 1866–67, and chapter 252, Acts of 1869–70, in relation to the Clinch River Navigation Company and for other companies, was taken up, on motion of Mr. Pridemore, read a third time and passed with its title.

Ordered. That the clerk inform the House of Delegates thereof.

No. 344, Senate bill to impose a stamp tax on wholesale dealing in distilled spirits, being the unfinished business of yesterday, was taken up, and, on motion of Mr. Thomas, amended by adding after the first section the following independent section to come in as section 2:

Section 17 of an act entitled an act imposing taxes for the support of the government and free schools, and to pay the interest on the public debt, approved April 5th, 1872, is hereby amended and re-enacted so as to read as follows:

“Sec. 17. The specific license tax on every person for the privilege of selling, by wholesale and retail, wine, ardent spirits, malt liquors, cider, or any mixture of any of them shall be one hundred dollars; if by retail, fifteen dollars; and if the license shall include the additional privilege contained in section 98 of the assessment act, he shall pay an additional tax of fifteen dollars.

“Section 8 of said act is hereby repealed.”

The bill was further amended in several particulars until the 10th section was reached—when

Mr. Connally made an unsuccessful motion to strike out that section.

The bill was further amended in sections 11, 17, 18 and 20.

Mr. Nowlin offered the following as an independent section, to come in after the 23rd section:

“One-fifth of the net revenue derived from this source shall be applied to the support and maintenance of the public free schools of this State.”

Mr. French moved to amend this amendment by striking out the words “one-fifth,” and inserting in lieu thereof the words “one-half;” and the question on agreeing thereto being put, was determined in the negative.

The question recurring on agreeing to the amendment proposed by Mr. Nowlin, and being put, was determined in the affirmative.

On motion Mr. Thomas, the 22nd and 24th sections were amended.

Mr Anderson of Rockbridge moved further to amend the bill by inserting the following as an independent section, to come in as section 3:

"Section 3. The special license tax for the privilege of selling in this State, wine, ardent spirits or malt liquors or any mixture thereof, manufactured beyond the limits of this State or imported into this State, except such as may have been purchased from a licensed wholesale dealer, shall be one thousand dollars. Such license shall be granted by the same authority in the same manner and under the same restrictions as are now, or may be provided by law for the granting of licenses to sell wine, ardent spirits, malt liquors by the bottle, not to be drunk where sold. And no license to keep an ordinary or to sell by retail wine, ardent spirits or malt liquors or any mixture thereof by retail, or to keep a restaurant, or eating-house, or bar-room, or to carry on any other business in this State, except that of a wholesale dealer as defined in this act, shall authorize the person obtaining such license to sell wine, ardent spirits, malt liquors or any mixture thereof manufactured without this State or imported into this State, except such as may have been purchased from a licensed wholesale dealer; but a special license therefor shall be obtained in all cases and by all persons, except a wholesale dealer licensed under this act. Any person who shall in violation of the provisions of this section, without first obtaining a license therefor, sell wine, ardent spirits, malt liquor or any mixture thereof, manufactured beyond the limits of this State or imported into this State, shall, in addition to the other penalties imposed by this act, be liable to a fine of \$5,000 and the forfeiture of his stock of liquors. One-half of any penalties or forfeitures recovered under this act shall, after paying costs of collection, be paid to the informant and the residue into the treasury of the State, to be applied to the support of public free schools."

The question on agreeing thereto being put, was determined in the negative.

Mr. French offered the following amendment as an independent section, to come in after section 24:

"The amount of revenue derived by the State under the provisions of this act shall be considered to be in lieu of taxes to that amount which would have been received under the general tax law, and the treasurers of the respective counties shall prepare an estimate of the amount of taxes on all property in his county, and shall credit the tickets of the respective tax payers with a proportionate amount of the taxes so received under this act."

The question on agreeing to this amendment being put, was determined in the negative.

On motion of Mr. Fitzpatrick the bill was further amended in the 21st section—when

Mr. Penn moved to indefinitely postpone the bill, and the question thereon being put, resulted—ayes 8, noes 12. No quorum voting.

On motion of Mr. Greene the vote was recorded as follows:

Ayes—Messrs. French, Greever, Holladay, Penn, Pridemore, Smith, Stevens, and Wynne.

Noes—Anderson of Rockbridge, Beazley, Fitzpatrick, Greene, Lackland, Martin, Meem, Quesenberry, Rixey, Roller, Taylor of Loudoun, and Thomas.

On motion of Mr. Greever, the Senate adjourned until Monday next, twelve o'clock.

MONDAY, MARCH 31, 1873.

Mr. Thomas, President pro tempore in the chair.

A communication from the House of Delegates, by their clerk, was read as follows:

In House of Delegates, March 29, 1873.

The House of Delegates have passed Senate bills entitled an act to incorporate the Augusta Paper Mill Company, No. 340; an act to repeal and re-enact an act passed April 3rd, 1839, incorporating the Pearisburg Academy Association, No. 327; an act for the relief of the sureties of John Thompson, late sheriff of Tazewell county, No. 346; an act for the relief of Joel L. Walker, administrator of the estate of David Bruce, deceased, No. 318; and an act incorporating the Rappahannock and Hanover Junction Railroad Company, No. 324.

They have passed Senate bill entitled an act to authorize the district school boards of Wythe county to apply unexpended district funds to the payment of teachers' salaries, No. 336, with amendments; and have passed House bills entitled an act reducing into one the several acts in relation to the seat of government of this Commonwealth, providing for the custody and care of the property of the State in or adjacent thereto, and for the sale of a part of the said property, No. 249; an act to empower the board of supervisors of Chesterfield county to erect a fence on, and change the line of the district in which the act passed January 26, 1866, commonly called the fence law, is in force, No. 283; an act to secure advances for agricultural purposes, No. 233; and an act to constitute conductors and agents of railroad conservators of the peace, No. 394; in which amendments and bills they respectfully request the concurrence of the Senate.

No. 336, Senate bill to authorize the district school boards of Wythe county to apply unexpended district funds to the payment of teachers' salaries, with the amendments proposed by the House of Delegates, was taken up, and the amendments were agreed to.

The title was amended as proposed by the House of Delegates and agreed to in these words:

"An act to authorize the district school boards of Wythe and Bedford counties to apply unexpended district funds to the payment of teachers' salaries."

Ordered, That the clerk inform the House of Delegates thereof.

No. 394, House bill entitled an act to constitute conductors and agents of railroads conservators of the peace, was taken up, twice read, and, on motion of Mr. Wynne, the rule requiring the commitment of the same being suspended, was read the third time and passed with its title.

Ordered, That the clerk inform the House of Delegates thereof.

No. 283, House bill entitled an act to empower the board of supervisors of Chesterfield county to erect a fence on, and change the line of the district in which the act passed January 26, 1866, commonly called the "fence law," is in force, was taken up, and, on motion of Mr. Wynne, the rule requiring the commitment of the same being suspended, was read the third time and passed with its title.

Ordered, That the clerk inform the House of Delegates thereof.

No. 249, House bill entitled an act reducing into one the several acts in relation to the seat of government of this Commonwealth, providing for the custody and care of the property of the State in or adjacent thereto, and for the sale of a part of the said property, was taken up, twice read, and referred to the committee on public institutions.

No. 233, House bill entitled an act to secure advances for agricultural purposes, was taken up, read twice, and, on motion of Mr. Cochran, the rule requiring the commitment of the same being suspended, was read the third time and passed with its title.

Ordered, That the clerk inform the House of Delegates thereof.

No. 149, House bill entitled an act to amend and re-enact section 75 of chapter 230 of Acts of 1871-72, as to duties and compensation of certain township officers, approved July 11, 1872, and acts amendatory thereof, was taken up, on motion of Mr. Grimsley, read the third time and passed with its title.

Ordered, That the clerk inform the House of Delegates thereof.

The report of the joint committee on the library, with resolution to print memoir of Houdon statue, was taken up, on motion of Mr. Wynne, and agreed to.

The report is as follows:

"The joint committee on the library report that they have obtained the manuscript history of the Houdon statue, written by Col. Sherwin McRae, and desirous of making public the valuable information contained in it, they respectfully recommend the adoption of the following resolution:

"Resolved, That the history of the Houdon statue, written by Col. Sherwin McRae, be printed for the use of the Senate, and that the same be issued with the public documents, and five hundred additional copies be printed for distribution among the members of the Senate."

Mr. Penn offered the following joint resolution, which lies over under the rules:

Resolved by the General Assembly, That the Superintendent of Public Printing be and he is hereby directed to have printed together 2,000 copies of the act to regulate and define the jurisdiction of the circuit and county courts, and the act amendatory thereof, recognizances, and the act in reference to criminal proceedings in certain cases, the act in reference to certain bonds and so soon as it can be done, and the Secretary of the Commonwealth shall immediately distribute the same as acts of the General Assembly are required to be distributed.

On motion of Mr. Penn, (the rules being suspended therefor), the resolution was taken up, and the question on agreeing thereto being put, was determined in the affirmative.

On motion of Mr. Penn, it was

Ordered, That he inform the House of Delegates thereof and request their concurrence therein.

Mr. Nowlin offered the following joint resolution, which lies over under the rules :

Resolved by the General Assembly, That the commissioners appointed on the part of this State to settle the boundary line between this State and the State of Maryland be and they are hereby discharged from any further duty.

Mr. Nowlin moved to suspend the rules for the purpose of considering the resolution to-day and the question being put thereon, was determined in the negative—ayes 7, noes 18.

On motion of Mr. Nowlin, the vote was recorded as follows :

Ayes—Messrs. Greene, Lackland, Nowlin, Nutting, Pridemore, Ward, and Wynne—7.

Noes—Messrs. Beazley, Cochran, Fitzpatrick, French, Graham, Grimsley, Johnson, Kirkpatrick, Lewis, Martin, Penn, Quesenberry, Rixey, Smith, Taylor of Loudoun, Taylor of Norfolk city, Terry, and Thomas —18.

On motion of Mr. Taylor of Loudoun, the committee for courts of justice was discharged from the further consideration of

No. 364, House bill entitled an act providing for the pay of city and corporation judges, which was taken up, read the third time, and the question being on the passage of the bill,

Mr. French demanded the pending question ; and the question, “Shall the pending question be now put ?” being put, was determined in the affirmative—ayes 18, noes 16.

On motion of Mr. French, the vote was recorded as follows :

Ayes—Messrs. Anderson of Rockbridge, Beazley, Fitzpatrick, French, Greever, Hundley, Lackland, Lathrop, Massey, Nowlin, Penn, Pridemore, Rixey, Robinson, Roller, Taylor of Loudoun, Thomas, and Ward —18.

Noes—Messrs. Anderson of Pittsylvania, Cochran, Connally, Greene, Grimsley, Holladay, Johnson, Kirkpatrick, Lewis, Martin, Norton, Perrin, Quesenberry, Taylor of Norfolk city, Terry, and Wynne—16.

The question on the passage of the bill being put, was determined in the affirmative—ayes 19, noes 14.

On motion of Mr. Hundley the vote was recorded as follows :

Ayes—Messrs. Anderson of Rockbridge, Beazley, Fitzpatrick, French, Greever, Hundley, Lackland, Lathrop, Massey, Nowlin, Penn, Pridemore, Quesenberry, Rixey, Robinson, Roller, Smith, Taylor of Loudoun, and Ward—19.

Noes—Messrs. Anderson of Pittsylvania, Cochran, Connally, Greene, Holladay, Johnson, Kirkpatrick, Lewis, Martin, Norton, Taylor of Norfolk city, Terry, Thomas, and Wynne—14.

The title of the bill was then agreed to.

On motion of Mr. Taylor of Loudoun, it was

Ordered, That he inform the House of Delegates thereof.

Mr. Fitzpatrick, from the committee on general laws, reported with amendment,

No. 242, House bill entitled an act to amend sections 46 and 52, chapter 87, Code of 1860, as amended by an act passed April 20, 1867, entitled an act to amend certain sections of chapter 87, Code of 1860, and in relation to the inspection of tobacco and the 3rd section of said act, passed as aforesaid.

No. 109, House bill entitled an act to incorporate the New York, Norfolk and Charleston Railway Company, was taken up, on motion of Mr. Taylor of Norfolk city, and passed with its title.

Ordered, That the clerk inform the House of Delegates thereof.

Mr. Cochran presented the second report of the committee of conference, on the first conference report in regard to the disagreeing votes of the two Houses on House bill No. 159, in relation to the interest on money or other thing, which is as follows :

The second committee of conference appointed to take into consideration the disagreeing votes of the two Houses of the General Assembly on the first conference report in regard to the disagreeing votes of the two Houses on House bill No. 159, entitled an act in relation to the interest on money or other thing, submit the following report :

They recommend that the Senate recede from its amendment by way of substitute to said bill, and that the two Houses agree to an amendment by way of substitute to said bill, No. 159, which is herewith respectfully submitted.

ALEXANDER B. COCHRAN,
Chairman of Senate Committee.

JAMES A. WALKER,
Chairman of House Committee.

"Be it enacted by the General Assembly, That the act in relation to interest on money, approved March 15th, 1870, be amended and re-enacted so as to read as follows :

"1. Sections 4 and 5 of chapter 151, section 33 of chapter 58 and section 6 of chapter 59 of the Code of 1860, are amended and re-enacted so as to read as follows :

"Section 4. Legal interest shall continue to be at the rate of six dollars upon the one hundred dollars for a year, and proportionately for a greater or less amount, and for a longer or shorter time; but it shall be lawful to receive any rate of interest not exceeding eight per centum per annum, which may be agreed upon by the original parties to the contract, and be specified in the bond, note or other writing evidencing the debt.

"Section 5. All contracts and assurances made directly or indirectly for the loan or forbearance of money or other thing, at a greater rate of interest than is provided for or allowed by the preceding section, shall be void as to such interest in excess of six per centum per annum, and the lender shall forfeit to the borrower all interest in excess of six per centum per annum on the money or other thing so lent or borne.

"Section 33. Any bank authorized to carry on business as a bank

of circulation, deposit and discount, may loan money for a period not exceeding six months, and discount any bill of exchange, promissory note, or other negotiable paper for the payment of money which will be payable within six months from the time of discounting the same. A bank may take interest on its loans or discounts at the rate of two-thirds of one per centum for thirty days, and such rate of interest may be taken in advance.

"Section 6. The money received on deposit and other funds of the institution, society, or bank, may be invested in or loaned in any stocks or real security, or be used in purchasing or discounting bonds, bills, notes or other paper, subject to the following restrictions: That no security for money or other valuable thing which may have become payable, other than certificates of debt of this State, or of the United States, or of corporations, shall be purchased for less than the full value thereof, with all the interest due thereon; and no debt or claim to become due, other than such certificates, shall be purchased or discounted at a rate of discount or interest exceeding the rate of two-thirds of one per centum for thirty days.

"2. Any licensed banker or broker, and any corporation authorized by law to make loans or to purchase or discount bonds, bills, notes or other paper may loan money or discount any bill of exchange, promissory note or other negotiable paper at a rate not exceeding two-thirds of one per centum for thirty days, and may receive such interest in advance.

"3. Section 11 of chapter 141 of the Code of 1860 is hereby repealed.

"4. This act shall be in force from its passage."

A message was received from the House of Delegates by Mr. Walker, who informed the Senate that that House had agreed to the report of the committee of conference on House bill No. 159.

The report was taken up, on motion of Mr. Cochran, and the question being on agreeing thereto, Mr. Roller demanded the pending question, which was ordered, and being put, was determined in the affirmative—ayes 27, noes 9.

On motion of Mr. Fitzpatrick the vote was recorded as follows:

Ayes—Messrs. Anderson of Pittsylvania, Anderson of Rockbridge, Beazley, Cochran, Connally, Graham, Greene, Grimsley, Holladay, Hundley, Johnson, Kirkpatrick, Lackland, Lathrop, Lewis, Massey, Norton, Nowlin, Penn, Perrin, Rixey, Roller, Taylor of Norfolk city, Terry, Thomas, Ward, and Wynne—27.

Noes—Messrs. Fitzpatrick, French, Greever, Martin, Pridemore, Quesenberry, Robinson, Smith, and Taylor of Loudoun.

On motion of Mr. Cochran, it was

Ordered, That he inform the House of Delegates thereof.

On motion of Mr. Rue, it was

Ordered to be entered on the journal, that had he heard his name called when the vote was taken on the adoption of the report he would have voted "aye."

No. 156, House joint resolution appropriating a sum of money to re-

place Houdon's statue of Washington in the rotunda of the capitol, was taken up, on motion of Mr. Nowlin, and the question on agreeing to the amendment proposed by the committee for courts of justice being put, was determined in the negative.

The joint resolution was then read the third time, and the question on agreeing thereto being put, was determined in the affirmative—ayes 22, noes 4.

The vote was recorded as follows:

Ayes—Messrs. Anderson of Pittsylvania, Anderson of Rockbridge, Beazley, Cochran, Fitzpatrick, Graham, Greene, Grimsley, Johnson, Kirkpatrick, Lackland, Lewis, Martin, Nowlin, Nutting, Penn, Quesenberry, Rixey, Taylor of Norfolk city, Terry, Thomas, and Wynne—22.

Noes—Messrs. Greever, Pridemore, Taylor of Loudoun, and Ward—4.

Ordered, That the clerk inform the House of Delegates thereof.

Mr. Penn offered the following joint resolution, which lies over under the rules:

Resolved by the General Assembly, That the sum of \$15,000 be and the same is hereby appropriated to the Virginia Agricultural and Mechanical College, to be expended under the direction of the board of visitors of said college in making additional buildings. This appropriation is subject to the proviso, that the same is not to be paid until the Auditor of Public Accounts shall be satisfied there will be sufficient funds in the treasury, not otherwise appropriated, to pay the interest on the public debt as is now provided by law.

Mr. Penn moved to suspend the rules for the purpose of considering the resolution to-day, and the question being put thereon, was determined in the affirmative—ayes 16, noes 11.

On motion of Mr. Penn, the vote was recorded as follows:

Ayes—Messrs. Anderson of Rockbridge, Cochran, French, Graham, Greene, Greever, Hundley, Nowlin, Penn, Pridemore, Smith, Stevens, Taylor of Norfolk city, Terry, Thomas, and Wynne—16.

Noes—Messrs. Beazley, Fitzpatrick, Johnson, Kirkpatrick, Lackland, Lewis, Perrin, Quesenberry, Rixey, Taylor of Loudoun, and Ward—11.

Thereupon Mr. Nowlin arose to a question of order—that the General Assembly is prohibited by law from making appropriation of the public money by resolution, and that if the resolution be regarded as technically a bill, then the Constitution requires it to be read on three different days in the House in which it originated.

The Chair overruled the point of order, and stated that it was a question for each individual Senator to determine for himself, and did not properly come within the vortex of order.

The question recurring on agreeing to the resolution, Mr. Quesenberry demanded the pending question, which was ordered, and being put, was determined, for want of a constitutional majority, in the negative—ayes 14, noes 9.

The vote was recorded as follows:

Ayes—Messrs. Anderson of Rockbridge, Cochran, French, Greene,

Greever, Hundley, Martin, Penn, Pridemore, Stevens, Taylor of Norfolk city, Terry, Thomas, and Wynne—14.

Noes—Messrs. Beazley, Johnson, Kirkpatrick, Lackland, Perrin, Quesenberry, Rixey, Taylor of Loudoun, and Ward—9.

The report of the special joint committee to investigate charges against the officers of the Central Lunatic Asylum, was taken up, on motion of Mr. Stevens; and,

On motion of Mr. Anderson of Rockbridge, the report was agreed to, and the committee discharged from the further consideration of the subject.

No. 344, Senate bill to impose a stamp tax on wholesale dealing in distilled spirits, being the unfinished business of Saturday, was taken up; and the pending question being on agreeing to the motion to postpone indefinitely the same, was, by general consent, withdrawn by Mr. Penn, when the bill was further amended, on motion of Mr. Fitzpatrick; and pending a motion, by Mr. Taylor of Norfolk city, further to amend the same, Mr. Pridemore moved to lay the bill on the table; and on this proposition Mr. Massey demanded the pending question which was ordered, and being put, was determined in the affirmative—ayes 19, noes 14.

On motion of Mr. French, the vote was recorded as follows:

Ayes—Messrs. Anderson of Pittsylvania, Beazley, Cochran, Connally, French, Graham, Greever, Holladay, Hundley, Lackland, Patterson, Penn, Perrin, Pridemore, Robinson, Taylor of Norfolk city, Terry, Ward, and Wynne—19.

Noes—Messrs. Fitzpatrick, Grimsley, Johnson, Kirkpatrick, Lewis, Martin, Massey, Norton, Quesenberry, Rixey, Roller, Smith, Taylor of Loudoun, and Thomas—14.

A message was received from the House of Delegates by Mr. Elliott, who informed the Senate that that House had passed a bill entitled an act to release the securities of Samuel H. Phelps from the payment of a forfeited recognizance, No. 353.

No. 259, Senate bill to provide for placing on the commissioners' books the lands in the Commonwealth, and to amend sections 2, 18, 20, 25, and 28 of chapter 37, Code of 1860, in relation to the sales of forfeited and delinquent lands, and for other purposes, was taken up, read the third time and passed with its title.

On motion of Mr. Pridemore, it was

Ordered, That he inform the House of Delegates thereof and request their concurrence therein.

No. 167, House bill entitled an act to authorize the board of supervisors of the several counties to appoint a physician and nurse to attend the poor and to regulate their compensation, was taken up, read the third time and passed with its title.

Ordered, That the clerk inform the House of Delegates thereof.

No. 163, House bill entitled an act to amend and re-enact an act entitled an act to fix the compensation of the members of the board of supervisors of Lee, Wise, Scott, Buchanan, Russell and Bland counties, and for

other purposes, approved March 21st, 1872, was taken up, read the third time and passed with its title.

Ordered, That the clerk inform the House of Delegates thereof.

No. 269, House bill entitled an act to amend and re-enact the 3rd clause of the 57th section of an act entitled an act to regulate the imposition, assessment, and collection of taxes for the support of public free schools by counties and school districts, and for this purpose to repeal the 2nd clause of the 14th section and the 44th section, and to amend and re-enact the 8th clause of the 24th section, and the 2nd and 3rd clauses of the 57th section, and the 59th and 64th sections of chapter 259 of Acts of 1869-70, entitled an act to establish and maintain a uniform system of public free schools, approved July 11, 1870, approved March 26, 1872, was taken up, and read the third time, when Mr. Fitzpatrick moved to lay the bill on the table; and on this proposition, Mr. Boykin demanded the pending question, which was ordered, and being put, was determined in the negative—ayes 14, noes 21.

On motion of Mr. Anderson of Rockbridge, the vote was recorded as follows :

Ayes—Messrs. Boykin, Fitzpatrick, Greever, Johnson, Kirkpatrick, Martin, Massey, Perrin, Quesenberry, Rixey, Taylor of Norfolk city, Terry, Ward, and Wynne—14.

Noes—Messrs. Anderson of Pittsylvania, Anderson of Rockbridge, Beazley, Cochran, French, Graham, Greene, Grimsley, Hundley, Lackland, Lewis, Norton, Nowlin, Penn, Pridemore, Robinson, Roller, Rue, Smith, Taylor of Loudoun, and Thomas—21.

The question recurring on the passage of the bill, and being put, was determined in the affirmative—ayes 18, noes 17.

On motion of Mr. Graham, the vote was recorded as follows :

Ayes—Messrs. Anderson of Pittsylvania, Anderson of Rockbridge, Cochran, French, Graham, Greene, Grimsley, Lathrop, Martin, Norton, Nowlin, Penn, Pridemore, Robinson, Roller, Rue, Stevens, and Taylor of Loudoun—18.

Noes—Messrs. Beazley, Boykin, Fitzpatrick, Greever, Herndon, Hundley, Johnson, Kirkpatrick, Massey, Perrin, Quesenberry, Rixey, Smith, Taylor of Norfolk city, Terry, Ward, and Wynne—17.

The title of the bill was then agreed to.

Ordered, That the clerk inform the House of Delegates thereof.

Mr. Boykin presented the following communication :

SUFFOLK, NANSEMOND COUNTY, VIRGINIA,
March 29th, 1873.

To the General Assembly of Virginia:

I have the honor to state that I decline re-election to the office of county judge of Nansemond county.

Very respectfully your obedient servant,

THEODORE S. GARNETT, JR.

Mr. Boykin offered the following resolution, which lies over under the rules:

Resolved (the House of Delegates concurring), That the General Assembly will proceed to-morrow, twelve o'clock, to elect a judge for the county court of Nansemond county for the term commencing 1st January next; Judge Theodore S. Garnett, Jr., who was recently elected, having declined to accept.

On motion of Mr. Boykin, the rules being suspended therefor, the resolution was taken up and agreed to.

On motion of Mr. Boykin, it was

Ordered, That he inform the House of Delegates thereof and request their concurrence therein.

On motion of Mr. Grimsley,

Resolved, That the districts be called according to number, and each Senator shall have the privilege of calling up for consideration one bill.

When the first district was called, there was no motion made to take up a bill.

When the second district was called, Mr. Grjmsley called up

No. 23, House bill entitled an act for the relief of George W. Wright, assessor of the township of Taylor, county of Orange, and the question on the passage of the bill being put, was determined, for the want of a constitutional majority, in the negative—ayes 19, noes 5.

The vote was recorded as follows:

Ayes—Messrs. Anderson of Rockbridge, Beazley, French, Greene, Grimsley, Herndon, Holladay, Hundley, Martin, Massey, Penn, Perrin, Rixey, Robinson, Taylor of Loudoun, Taylor of Norfolk city, Terry, Ward and Wynne—19.

Noes—Messrs. Fitzpatrick, Johnson, Kirkpatrick, Pridemore, and Quesenberry—5.

When the third district was called, Mr. Hundley called up

No. 353, House bill entitled an act to relieve the securities of Samuel H. Phelps, from the payment of a forfeited recognizance, which was twice read, and on motion of Mr. Hundley, the rule requiring the commitment of the same being suspended, was read the third time, and the question on the passage of the bill being put, was determined, for want of a constitutional majority, in the negative—ayes 16, noes 9.

The vote was recorded as follows:

Ayes—Messrs. Beazley, French, Grimsley, Herndon, Holladay, Lackland, Martin, Massey, Norton, Penn, Quesenberry, Rixey, Smith, Terry, Ward, and Wynne—16.

Noes—Messrs. Anderson of Pittsylvania, Greene, Hundley, Kirkpatrick, Pridemore, Robinson, Stevens, Taylor of Norfolk city, and Thomas—9.

Mr. Hundley made an unsuccessful motion to reconsider the vote by which the bill was rejected.

When the fourth district was called, Mr. Patterson called up

No. 328, Senate bill for the relief of A. A. Hobson, John M. Williams and John D. Scott, which was read the second time; and the ques-

tion on ordering the bill to its engrossment and third reading, being put, was determined in the affirmative—ayes 19, noes 5.

On motion of Mr. Penn, the vote was recorded as follows:

Ayes—Messrs. Beazley, French, Graham, Grimsley, undley, Johnson, Martin, Massey, Norton, Patterson, Penn, Quesenberry, Rixey, Robinson, Taylor of Loudoun, Terry, Thomas, Ward, and Wynne—19

Noes—Messrs. Anderson of Pittsylvania, Greene, Lackland, Perrin, and Taylor of Norfolk city—5.

When the fifth district was called, Mr. Kirkpatrick called up

No. 385, House bill entitled an act to authorize the Board of Public Works to sell the State's interest in the Lynchburg and Salem Turnpike Company. Thereupon

Mr. Greever moved to reconsider the vote by which the resolution for the call of districts, &c., was agreed to, and the question being put thereon, was determined in the negative, on division—ayes 14, noes 16.

The bill was then read the third time, and the question on the passage thereof being put, was determined in the affirmative—ayes 22, noes 9.

The vote was recorded as follows:

Ayes—Messrs. Anderson of Rockbridge, Beazley, Cochran, French, Greene, Herndon, Johnson, Kirkpatrick, Lackland, Martin, Massey, Norton, Nowlin, Perrin, Pridemore, Rixey, Smith, Taylor of Loudoun, Taylor of Norfolk city, Thomas, Ward, and Wynne—22.

Noes—Messrs. Anderson of Pittsylvania, Boykin, Graham, Hundley, Patterson, Penn, Quesenberry, Robinson, and Terry—9.

On motion of Mr. Johnson; the chair was vacated until eight o'clock tonight.

EVENING SESSION.

Mr. Quesenberry in the chair.

Mr. Anderson of Rockbridge, from the committee on public institutions, reported without amendment,

No. 249, House bill entitled an act reducing into one the several acts in relation to the seat of government of this Commonwealth, providing for the custody and care of the property of the State in or adjacent thereto, and for the sale of a part of the said property.

The clerk proceeded under the resolution adopted this morning to call the districts; and when the 6th district was called there was no motion made to call up a bill by the Senator from that district.

When the 7th district was called, Mr. Holladay called up,

No. 341, Senate bill to incorporate the Richmond and Trans-Alleghany Narrow Gauge Railway Company, which was read the second time; and the question on agreeing to the substitute proposed by the committee on roads and internal navigation being put, was determined in the affirmative, and the bill, as amended, was ordered to be engrossed and read a third time.

A message was received from the House of Delegates by Mr. Matthew, who informed the Senate that that House had passed with an amendment,

No. 335, Senate bill entitled an act appropriating the public revenue for the fiscal year 1872-73, which was called up by Mr. Connally; and the question on agreeing to the amendment proposed by the House of Delegates being put, was determined in the affirmative.

On motion of Mr. Connally, it was

Ordered, That he inform the House of Delegates thereof.

When the 8th district was called, there was no motion made to call up a bill by the Senator from that district.

A message was received from the House of Delegates by Mr. Matthew, who informed the Senate that that House had passed, with an amendment, in the nature of a substitute,

No. 307, Senate bill entitled an act to amend and re-enact the act approved March 21st, 1872, to fix the times for holding the circuit courts of the State, which, when the 9th district was called, was called up by Mr. Greene; and the question being on agreeing to the substitute proposed by the House of Delegates,

Mr. Massey demanded the pending question, which was ordered, and being put, was determined in the affirmative—ayes 22, noes 6.

On motion of Mr. Nowlin, the vote was recorded as follows:

Ayes—Messrs. Anderson of Rockbridge, Beazley, Cochran, Fitzpatrick, Greene, Grimsley, Herndon, Holladay, Johnson, Lewis, Martin, Massey, Norton, Nowlin, Nutting, Penn, Pridemore, Quesenberry, Rixey, Rue, Thomas, and Ward—22.

Noes—Messrs. Greever, Kirkpatrick, Lackland, Patterson, Perrin, and Taylor of Loudoun—6.

Ordered, That the clerk inform the House of Delegates thereof.

When the 10th and 11th districts were called, there was no motion made by the Senators from these districts to call up a bill.

When the 12th district was called, Mr. Quesenberry called up,

No. 282, Senate bill imposing a tax for transferring bonds or certificates of debt of the Commonwealth; which was read the second, and ordered to be engrossed and read a third time.

When the 13th district was called, Mr. Massey called up,

No. 349, Senate bill to amend section 9 of chapter 192 of the Code of 1860, in relation to offences against property; which was read the first, and ordered to be read a second time.

When the 14th district was called, Mr. Ward called up,

No. 180, House bill entitled an act to regulate the fees of sheriffs; and the question being on agreeing to the amendments proposed by the committee,

On motion of Mr. Pridemore, the bill was laid on the table.

When the 15th district was called, there was no motion made by the Senator from that district to call up a bill.

When the 16th district was called, Mr. Cochran called up,

No. 287, Senate bill to amend and re-enact sections 6, 8, and 9 of

chapter 90 of Code of 1860, in relation to weighing and selling live stock.

Mr. Smith offered a substitute for the bill; which, having been modified at the suggestion of Mr. Taylor of Loudoun, was agreed to, and the bill, as amended, was ordered to be engrossed and read a third time.

When the 17th district was called, Mr. Lackland called up,

No. 268, Senate bill directing the Auditor of Public Accounts to receive from the sureties of Robert F. Vaughan, late sheriff of Goochland county, coupon bonds of the State in payment of their liabilities as such sureties.

Mr. Pridemore made an unsuccessful motion to lay the bill on the table.

The bill was then ordered to be engrossed and read a third time; and being forthwith engrossed, was, on motion of Mr. Penn (two-thirds concurring), read the third time, and the question on the passage thereof being put, was determined in the affirmative—ayes 28, noes none.

The vote was recorded as follows:

Ayes—Messrs. Anderson of Rockbridge, Beazley, Boykin, Cochran, Connally, Fitzpatrick, Greene, Grimsley, Herndon, Holladay, Johnson, Kirkpatrick, Lackland, Lewis, Martin, Massey, Norton, Nowlin, Patterson, Penn, Perrin, Quesenberry, Rixey, Rue, Stevens, Taylor of Loudoun, Terry, and Thomas—28.

Noes—none.

The title of the bill was then agreed to.

On motion of Mr. Martin, it was

Ordered, That he inform the House of Delegates thereof and request their concurrence therein.

When the 18th district was called, Mr. Nowlin called up,

No. 334, House bill entitled an act to extend the time within which William W. Phelps, late sheriff of Wythe county, may collect taxes, &c.; and the pending question being on agreeing to the amendment heretofore offered to the amendment proposed by the committee on finance,

Mr. Lackland moved that the bill be indefinitely postponed, and the question being put thereon, was determined in the affirmative, on division—ayes 13, noes 9.

When the 19th district was called, Mr. Pridemore called up,

No. 249, House bill entitled an act reducing into one the several acts in relation to the seat of government of this Commonwealth, providing for the custody and care of the property of the State in or adjacent thereto, and for the sale of a part of the said property.

Mr. Cochran moved to recommit the bill to the committee on public institutions—pending which,

On motion of Mr. Massey, the bill was laid on the table.

When the 20th district was called, Mr. Smith called up,

No. 352, Senate bill to amend and re-enact the 1st, 2nd, and 3rd sections of the act to authorize the formation of the New River Mining and Manufacturing Company, approved March 7, 1872; which was read the second, and ordered to be engrossed and read a third time, and be-

ing forthwith engrossed, was, on motion of Mr. Smith (two-thirds concurring), read the third time and passed with its title.

Ordered, That the clerk inform the House of Delegates thereof and request their concurrence therein.

When the 21st district was called, Mr. Rixey called up,

No. 104, House bill entitled an act to amend and re-enact section 1 of chapter 150 of the Code of 1860, extending the jurisdiction of justices in civil cases to one hundred dollars.

Mr. Lackland moved to lay the bill on the table, and on this proposition

Mr. Johnson demanded the pending question, which was ordered; and being put, was determined in the negative—ayes 11, noes 16.

On motion of Mr. Ward, the vote was recorded as follows:

Ayes—Messrs. Anderson of Rockbridge, Boykin, Fitzpatrick, Johnson, Kirkpatrick, Lackland, Nowlin, Penn, Perrin, Taylor of Norfolk city, and Thomas—11.

Noes—Messrs. Beazley, Connally, French, Greene, Greever, Grimsley, Holladay, Martin, Massey, Pridemore, Rixey, Robinson, Rue, Smith, Taylor of Loudoun, and Ward—16.

Whereupon Mr. Grimsley moved that the Senate adjourn.

The question on the said motion being put, was determined in the affirmative—ayes 16, noes 15.

On motion of Mr. Ward, the vote was recorded as follows:

Ayes—Messrs. Anderson of Rockbridge, Beazley, Boykin, Fitzpatrick, Graham, Grimsley, Johnson, Kirkpatrick, Lackland, Lewis, Nowlin, Penn, Perrin, Quesenberry, Rue, and Taylor of Norfolk city—16.

Noes—Messrs. Connally, French, Greene, Greever, Herndon, Holladay, Martin, Massey, Pridemore, Rixey, Robinson, Smith, Taylor of Loudoun, Thomas, and Ward—15.

The President announced that the Senate stood adjourned until tomorrow, eleven o'clock.

TUESDAY, APRIL 1, 1873.

A communication from the House of Delegates, by their clerk, was read as follows:

In House of Delegates, March 31, 1873.

The House of Delegates have agreed to the amendments of the Senate to House bill entitled an act to more effectually punish embezzlement, No. 116; and to House joint resolution in relation to appointment of commissioners to ascertain and define the boundary line between Virginia and West Virginia, No. 84; and have passed Senate bills entitled an act to amend and re-enact an act passed December 19th, 1866, entitled an act authorizing the Southwestern Virginia Mining, Smelting and Transportation Company to construct a railroad from King's Salt Works to a point on the Virginia and Tennessee Railroad at or near Dublin,

No. 260; an act to amend and re-enact section 17, chapter 151 of the Code, in relation to proceeding where there is a garnishee, No. 255; and an act to authorize Chesterfield Land and Improvement Company to build wharves, No. 299.

They have agreed to Senate joint resolutions proposing amendments to sections 1, 2, 3, and 4 of the 7th article of the Constitution of this Commonwealth, in relation to county organization, for publishing said amendments, and certifying the same to the next General Assembly.

Mr. Taylor of Norfolk city, from the committee on roads and internal navigation, presented a report in response to resolutions offered by the Senator from Scott and Russell, concerning the Atlantic, Mississippi and Ohio Railroad Company; which was subsequently taken up, on motion of Mr. Taylor of Norfolk city, laid on the table and ordered to be printed. (Doc. No. 19.)

And he, from the same committee, reported with amendments, No. 329, House bill entitled an act to establish a port warden's line in Smith's creek and Elizabeth river near Fort Norfolk.

On motion of Mr. Thomas,

Resolved, That the clerk of the Senate be authorized to employ an assistant for a term not exceeding thirty days, and at a compensation not exceeding that allowed by law to a clerk of a committee, to aid him in the discharge of duties incumbent upon him after the adjournment of the General Assembly.

On motion of Mr. Johnson,

Resolved, That when the Senate adjourns to-day, it adjourn till to-morrow 6 P. M.

Mr. Massey offered the following joint resolution, which lies over under the rules:

Resolved (the House of Delegates concurring), That twenty thousand copies of the report of the committee appointed under a resolution of the House of Delegates to examine into the sale and transfer of the State's stock in the Richmond and Danville Railroad Company, together with the evidence taken before said committee in relation thereto, be printed for general distribution.

On motion of Mr. Massey, the rules were suspended for the purpose of considering the resolution to-day.

The question being on agreeing to the resolution,

Mr. Quesenberry moved to lay the same on the table; and the question being put thereon, was determined in the affirmative—ayes 26, noes 4.

On motion of Mr. Massey, the vote was recorded as follows:

Ayes—Messrs. Anderson of Pittsylvania, Beazley, Boykin, Cochran, Fitzpatrick, Graham, Greene, Greever, Grimsley, Herndon, Hundley, Johnson, Lackland, Lewis, Martin, Norton, Nowlin, Perrin, Quesenberry, Rixey, Roller, Taylor of Loudoun, Taylor of Norfolk city, Terry, Thomas, and Wynne—26.

Noes—Messrs. French, Massey, Robinson, and Stevens—4.

A message was received from the House of Delegates by Mr. Lawson,

who informed the Senate that that House had agreed to Senate joint resolution, having for its object the election of a judge of the county court of Nansemond county.

A message was received from the House of Delegates by Mr. Deanele, who informed the Senate that that House had passed a bill entitled an act to encourage colonization in the State of Virginia, No. 343.

Mr. Roller offered the following resolution:

Resolved, That the committee on the library be requested to authorize the issuance to any notary public of this State applying for the same, one copy of the Code of Virginia of the edition of 186¹, upon the payment of one dollar to the Secretary of the Commonwealth, the said copy to be forwarded to the purchaser free of all charges for wrapping, freight, and postage.

The question being on agreeing to the resolution, on motion of Mr. Thomas, the resolution was amended by striking out the words "the said copy to be forwarded to the purchaser free of all charges for wrapping, freight, and postage."

Mr. Massey moved further to amend the resolution by striking out the words "notary public," and inserting in lieu thereof the word "person;" and the question being put thereon, was determined in the affirmative, on division—ayes 17, noes 7. Thereupon

Mr. Roller made an unsuccessful motion to lay the bill on the table.

The question recurring on agreeing to the resolution as amended,

On motion of Mr. Thomas, the resolution was laid on the table.

Mr. Johnson offered the following resolution, which was agreed to:

Resolved, That the Superintendent of Public Printing be directed to print five hundred extra copies of the history of the Houdoun statue and deliver them to the Secretary of the Commonwealth, who shall distribute a portion to historical and art societies and public libraries, and shall sell the residue for the benefit of the Library Fund.

A message was received from the House of Delegates by Mr. Jones of Gloucester, who informed the Senate that that House had passed a bill entitled an act to amend and re-enact the 66th and 68th sections of an act to provide for the general election, approved May 11th, 1870, to regulate contested elections for Governor, Lieutenant-Governor, and Attorney-General, No. 299.

A message was received from the House of Delegates by Mr. Hill, who informed the Senate that that House had agreed to a joint resolution in relation to the sale of the State's interest in the Richmond and Danville Railroad or other internal improvement companies in the State, No. 396; and had passed the following bills:

An act for the protection of fish in the middle fork of Holston river, in Smyth county, No. 302.

An act declaring a portion of Chappawamsic creek a lawful fence, No. 259. And

An act requiring the consent of the Town Council of Marion, in Smyth county, to secure license to sell liquors in the town of Marion, No. 361.

No. 104, House bill entitled an act to amend and re-enact section 1

of chapter 150 of the Code of 1860, extending the jurisdiction of justices in civil cases to one hundred dollars, being the unfinished business of last evening, was taken up, when Mr. Nowlin moved to amend the bill by striking out the words "county court," and inserting in lieu thereof the words "circuit court."

Mr. Hundley moved to lay the bill on the table; and on this proposition

Mr. Taylor of Loudoun demanded the pending question, which was ordered; and being put, was determined in the negative—ayes 14, noes 19.

On motion of Mr. Taylor of Loudoun, the vote was recorded as follows:

Ayes—Messrs. Anderson of Pittsylvania, Boykin, Fitzpatrick, Herndon, Hundley, Johnson, Kirkpatrick, Lackland, Nowlin, Penn, Taylor of Norfolk city, Terry, Thomas, and Wynne—14.

Noes—Messrs. Beazley, Cochran, French, Greene, Greever, Grimsley, Holladay, Martin, Massey, Norton, Nutting, Pridemore, Quesenberry, Rixey, Robinson, Rue, Stevens, Taylor of Loudoun, and Ward—19.

The question recurring on agreeing to the amendment offered by Mr. Nowlin, and being put, was determined in the negative—ayes 15, noes 19.

On motion of Mr. Nowlin, the vote was recorded as follows:

Ayes—Messrs. Anderson of Pittsylvania, Boykin, Fitzpatrick, Hundley, Johnson, Kirkpatrick, Lackland, Lewis, Nowlin, Penn, Roller, Taylor of Norfolk city, Terry, Thomas, and Wynne—15.

Noes—Messrs. Beazley, Cochran, French, Greene, Greever, Grimsley, Herndon, Martin, Massey, Norton, Nutting, Pridemore, Quesenberry, Rixey, Robinson, Rue, Stevens, Taylor of Loudoun, and Ward—19. Thereupon

A message was received from the House of Delegates by Mr. Lawson, who informed the Senate that that House was ready on its part to proceed to the execution of the joint order, which has for its object the election of a county judge for Nansemond.

On motion of Mr. Boykin, it was

Ordered, That he inform the House of Delegates that the Senate is ready on its part to proceed to the execution of the said joint order.

A message was received from the House of Delegates by Mr. Lawson, who informed the Senate that Peter B. Prentis is the only person in nomination in that House for the office of county judge of Nansemond.

On motion of Mr. Boykin, it was

Ordered, That he inform the House of Delegates that no additional nomination had been made in the Senate for that office.

The roll was then called with the following result:

For Peter B. Prentis,	26
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For David Thayer,	1
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Senators who voted for Mr. Prentis, are—Messrs. Anderson of Pittsylvania, Beazley, Boykin, Cochran, Fitzpatrick, French, Greever, Grimsley, Herndon, Holladay, Hundley, Johnson, Lackland, Lewis, Nowlin, Penn, Perrin, Quesenberry, Rixey, Roller, Taylor of Lou-

doun, Taylor of Norfolk city, Terry, Thomas, Ward, and Wynne Wynne—26.

Senator who voted for Mr. Thayer, is—Mr. Massey—1.

The President appointed Messrs. Lewis and Taylor of Norfolk city committee on the part of the Senate to meet a similar committee on the part of the House of Delegates, and count the joint vote of the persons voted for, for county judge of Nansemond.

The committee through their chairman, Mr. Lewis, reported as follows:

Whole number of votes cast,	.	.	.	98
Necessary to a choice,	.	:	.	50
Of which Peter B. Prentis received,	.	.	.	97
David Thayer received,	.	:	.	1

Peter B. Prentis having received a majority of all the votes cast, was declared duly elected county judge of Nansemond for the constitutional term of that office, commencing on the 1st of January, 1874.

No. 104, House bill entitled an act to amend and re-enact section 1 of chapter 150 of the Code of 1860, extending the jurisdiction of justices in civil cases to one hundred dollars, the consideration of which was interrupted by the joint order, was taken up—when

Mr Kirkpatrick moved to amend the same by striking out the words “and even if the claim be for or against the town, county, or township in which such justice resides;” and on this proposition

Mr. Rixey demanded the pending question, which was ordered, and being put, was determined in the negative—ayes 17, noes 20.

On motion of Mr. Rixey, the vote was recorded as follows:

Ayes—Messrs. Anderson of Rockbridge, Boykin, Fitzpatrick, Herndon, Holladay, Hundley Johnson, Kirkpatrick, Lackland, Nowlin, Penn. Perrin, Roller, Taylor of Norfolk city, Terry, Thomas, and Wynne—17.

Noes—Messrs. Beazley, French, Greene, Greever, Grimsley, Lathrop, Martin, Massey, Norton, Nutting, Patterson, Pridemore, Quesenberry, Rixey, Robinson, Rue, Smith, Stevens, Taylor of Loudoun, and Ward —20.

Mr. Thomas moved to amend the bill by striking out all after the word “resides” to the end of the section—pending which,

On motion of Mr. Penn, the Senate resolved itself into executive session, and having dispatched the business before it, the doors were opened.

Ordered, That the following resolutions adopted by the Senate in executive session be entered on the journal, and that a copy thereof be transmitted to the Board of Education:

Resolved, That the Senate advise and confirm the nomination by the Board of Education of William N. Nelson as county superintendent of schools for Clarke county.

Resolved, That the action of the Board of Education in the removal from office of A. Staples, county superintendent of schools for Patrick county, be approved and confirmed.

Ordered, That the following resolutions adopted by the Senate in executive session be entered on the journal, and that a copy thereof be transmitted to the Governor.

Resolved, That the Senate advise and consent to the nominations made by the Governor of the following named gentlemen to constitute the Board of Visitors of the Virginia Agricultural and Mechanical College: John E. Penn, John Goode, Jr., and J. R. Anderson, to serve for three years from January 1st, 1873; W. A. Stuart, E. M. Tidball, and Robert Beverly, to serve two years from January 1st, 1873; Harvey Black, D. C. DeJarnette, and Wm. T. Sutherlin, to serve one year from January 1st, 1873.

No. 104, House bill entitled an act to amend and re-enact section 1 of chapter 150 of the Code of 1860, extending the jurisdiction of justices in civil cases to one hundred dollars, the consideration of which was interrupted by the Senate resolving itself into executive session, was taken up, and the pending question being on the amendment offered by Mr. Thomas,

Mr. Rixey demanded the pending question, which was ordered; and being put, was determined in the negative—*ayes 14, noes 16*.

On motion of Mr. Thomas, the vote was recorded as follows:

Ayes—Messrs. Anderson of Rockbridge, Fitzpatrick, Herndon, Holladay, Hundley, Johnson, Kirkpatrick, Lackland, Nowlin, Perrin, Roller, Terry, Thomas, and Wynne—14.

Noes—Messrs. Beazley, Cochran, French, Greene, Grimsley, Lathrop, Martin, Massey, Norton, Nutting, Pridemore, Quesenberry, Rixey, Robinson, Taylor of Loudoun, and Ward—16.

Mr. Penn moved to amend the bill by adding the words “no judgment shall be rendered on any claim for a greater sum than twenty dollars, unless the defendant shall have had at least thirty days’ notice of the time and place of the trial of said warrant;” and on this proposition

Mr. Massey demanded the pending question, which was ordered; and being put, was determined in the affirmative—*ayes 14, noes 13*.

On motion of Mr. Thomas, the vote was recorded as follows:

Ayes—Messrs. Anderson of Rockbridge, Boykin, Fitzpatrick, Hundley, Johnson, Kirkpatrick, Lackland, Nowlin, Perrin, Roller, Taylor of Norfolk city, Terry, Thomas, and Wynne—14.

Noes—Messrs. Beazley, French, Graham, Lathrop, Martin, Massey, Nutting, Pridemore, Quesenberry, Rixey, Robinson, Taylor of Loudoun, and Ward—13.

The question being on ordering the bill as amended to its third reading,

Mr. Taylor of Norfolk city demanded the pending question, which was ordered; and being put, was determined in the affirmative.

The bill was then read the third time, and the question on the passage thereof being put, was determined in the negative—*ayes 14, noes 15*.

On motion of Mr. Roller, the vote was recorded as follows:

Ayes—Messrs. Beazley, French, Lathrop, Martin, Massey, Norton, Pridemore, Quesenberry, Rixey, Robinson, Roller, Rue, Taylor of Loudoun, and Ward—14.

Noes—Messrs. Anderson of Pittsylvania, Anderson of Rockbridge, Boykin, Fitzpatrick, Hundley, Johnson, Kirkpatrick, Lackland, Nowlin,

Nutting, Perrin, Taylor of Norfolk city, Terry, Thomas, and Wynne—15.

Ordered, That the clerk inform the House of Delegates thereof.

A message was received from the House of Delegates by Mr. Daniel, who informed the Senate that that House had adopted a joint resolution expressing the sense of the General Assembly of Virginia on the state of public affairs in Louisiana.

A message was received from the House of Delegates by Mr. Dooley, who informed the Senate that that House had passed Senate bill, No. 257, for the governing of warehouses and the issuing of warehouse receipts, with amendments.

On motion of Herndon, it was

Ordered, To be entered on the journal that had he been present when the vote was taken on the adoption of the second report of the committee of conference on House bill, No. 159, in relation to the interest on money or other thing, he would have voted "aye."

When the twenty-second district was called, Mr. Herndon called up

No. 312, House bill entitled an act to amend and re-enact an act to incorporate the Stafford Free Bridge Company; and the question being on ordering the bill to its third reading,

Mr. Taylor of Norfolk city demanded the pending question, which was ordered; and being put, was determined in the affirmative—ayes 17, noes 16.

On motion of Mr. Herndon, the vote was recorded as follows:

Ayes—Messrs. Beazley, Graham, Greever, Herndon, Holladay, Hundley, Lathrop, Lewis, Martin, Massey, Norton, Nowlin, Rixey, Robinson, Roller, Taylor of Loudoun, and Wynne—17.

Noes—Messrs. Anderson of Pittsylvania, Anderson of Rockbridge, Boykin, Cochran, Fitzpatrick, Grimsley, Johnson, Kirkpatrick, Nutting, Perrin, Pridemore, Quesenberry, Stevens, Taylor of Norfolk city, Terry, and Thomas—16.

The bill was then read the third time, and the question being on the passage of the bill—and pending which,

On motion of Mr. Graham, the chair was vacated until eight o'clock to-night.

EVENING SESSION.

No. 312, House bill entitled an act to amend and re-enact an act to incorporate the Stafford Free Bridge Company, being the unfinished business of the morning session, was taken up, and the question being on the passage of the bill,

Mr. Herndon demanded the pending question, which was ordered; and being put, was determined in the negative, on division—ayes 9, noes 14.

On motion of Mr. Herndon, the vote was recorded as follows:

Ayes—Messrs. French, Greever, Herndon, Martin, Massey, Nowlin, Rixey, Taylor of Loudoun, and Wynne—9.

Noes—Messrs. Anderson of Pittsylvania, Anderson of Rockbridge, Cochran, Grimsley, Holladay, Norton, Perrin, Pridemore, Quesenberry, Robinson, Stevens, Taylor of Norfolk city, Terry, and Thomas—14.

Ordered, That the clerk inform the House of Delegates thereof.

When the 23rd district was called, no motion was made by the Senator from that district to call up a bill.

When the 24th district was called, Mr. Robinson called up,

The joint resolutions from the committee on federal relations for paying the Maryland and Virginia commissioners, relieving said commissioners from further duties, and for the submission to arbitrators of the matters in dispute between the two States in reference to the boundary lines thereof; and the question being on agreeing thereto,

Mr. Roller moved to amend the same by striking out the words “October 1st,” and insert in lieu thereof the words “June 1st, at which date the commission shall terminate;” which was agreed to, and the question on agreeing to the resolutions as amended being put, was determined in the affirmative—ayes 25, noes 4.

The vote was recorded as follows:

Ayes—Messrs. Anderson of Pittsylvania, Anderson of Rockbridge, Boykin, Cochran, French, Graham, Grimsley, Herndon, Holladay, Johnson, Lathrop, Lewis, Martin, Norton, Perrin, Quesenberry, Rixey, Robinson, Roller, Rue, Stevens, Taylor of Norfolk city, Terry, Thomas, and Wynne—25.

Noes—Messrs. Greever, Massey, Pridemore, and Ward—4.

On motion of Mr. Roller, the title of the resolutions was amended and agreed to as follows:

“Joint resolutions for paying the Maryland and Virginia boundary commissioners, terminating said commission after June 1, 1873, and regulating the issuance and location of warrants and patents on the disputed territory.”

On motion of Mr. Roller, it was

Ordered, That he inform the House of Delegates thereof and request their concurrence therein.

When the 25th district was called, Mr. Fitzpatrick called up,

No. 242, House bill entitled an act to amend sections 46 and 52, chapter 87, Code of 1860, as amended by an act passed April 20th, 1867, entitled an act to amend certain sections of chapter 87, Code of 1860, and in relation to the inspection of tobacco and the 3rd section of said act passed as aforesaid.

The question being on ordering the bill to its third reading,

Mr. Holladay demanded the pending question, which was ordered; and being put, was determined in the affirmative.

The bill was then read the third time, and the question on the passage thereof being put, was determined in the affirmative—ayes 17, noes 9.

On motion of Mr. Kirkpatrick, the vote was recorded as follows:

Ayes—Messrs. Anderson, of Rockbridge, Cochran, Fitzpatrick, French,

Graham, Johnson, Massey, Norton, Pridemore, Quesenberry, Rixey, Robinson, Roller, Rue, Taylor of Loudoun, Thomas, and Ward—17.

Noes—Messrs. Boykin, Greever, Holladay, Kirkpatrick, Martin, Nowlin, Smith, Terry, and Wynne—9.

The title was then agreed to.

On motion of Mr. Fitzpatrick, it was

Ordered, That he inform the House of Delegates thereof.

When the 26th district was called, Mr. Anderson of Pittsylvania called up,

House joint resolutions expressing the sense of the General Assembly of Virginia on the state of public affairs in Louisiana.

The question being on agreeing to the resolutions,

Mr. Rue offered a substitute therefor.

Mr. Massey moved to lay the resolutions and substitute on the table, and the question being put thereon, was determined in the negative—ayes 9, noes 24.

On motion of Mr. Kirkpatrick, the vote was recorded as follows:

Ayes—Messrs. French, Graham, Lathrop, Martin, Massey, Norton, Robinson, Rue and Stevens—9.

Noes—Messrs. Anderson of Pittsylvania, Anderson of Rockbridge, Boykin, Cochran, Fitzpatrick, Greever, Grimsley, Herndon, Holladay, Johnson, Kirkpatrick, Lewis, Nowlin, Perrin, Pridemore, Quesenberry, Rixey, Smith, Taylor of Loudoun, Taylor of Norfolk city, Terry, Thomas, Ward, and Wynne—24.

The question recurring on the adoption of the substitute,

Mr. Boykin demanded the pending question, which was ordered; and being put, was determined in the negative—ayes 7, noes 24.

On motion of Mr. Stevens, the vote was recorded as follows:

Ayes—Messrs. Graham, Lathrop, Martin, Massey, Norton, Robinson, and Rue—7.

Noes—Messrs. Anderson of Pittsylvania, Anderson of Rockbridge, Boykin, Cochran, Fitzpatrick, French, Greever, Herndon, Holladay, Johnson, Kirkpatrick, Lewis, Nowlin, Perrin, Pridemore, Quesenberry, Rixey, Smith, Stevens, Taylor of Loudoun, Terry, Thomas, Ward, and Wynne—24.

The question recurring on agreeing to the joint resolutions,

Mr. Pridemore moved to amend the same by striking out the 2nd resolution, and the question being put, was determined in the negative—ayes 13, noes 18.

On motion of Mr. Pridemore, the vote was recorded as follows:

Ayes—Messrs. French, Graham, Greever, Lathrop, Martin, Massey, Norton, Pridemore, Rixey, Robinson, Rue, Smith, and Stevens—13.

Noes—Messrs. Anderson of Pittsylvania, Anderson of Rockbridge, Boykin, Cochran, Fitzpatrick, Grimsley, Herndon, Johnson, Lewis, Nowlin, Perrin, Quesenberry, Taylor of Loudoun, Taylor of Norfolk city, Terry, Thomas, Ward, and Wynne—18.

The question recurring on the adoption of the resolutions, and being put, was determined in the affirmative—ayes 25, noes 8.

On motion of Mr. Stevens, the vote was recorded as follows:

Ayes—Messrs. Anderson of Pittsylvania, Anderson of Rockbridge, Boykin, Cochran, Fitzpatrick, French, Greever, Grimsley, Herndon, Hundley, Johnson, Kirkpatrick, Lewis, Nowlin, Perrin, Pridemore, Quesenberry, Rixey, Smith, Taylor of Loudoun, Taylor of Norfolk city, Terry, Thomas, Ward, and Wynne—25.

Noes—Messrs. Graham, Lathrop, Martin, Massey, Norton, Robinson, Rue, and Stevens—8.

Ordered, That the clerk inform the House of Delegates thereof.

When the 27th district was called, Mr. Terry called up,

Senate joint resolution providing for fitting up the bell-house as an arsenal, was taken up, and the question on agreeing thereto being put, was determined in the affirmative.

On motion of Mr. Terry, it was

Ordered, That he inform the House of Delegates thereof and request their concurrence therein.

When the 28th district was called, Mr. Norton called up,

No. 396, House joint resolution in relation to the sale of the State's interest in the Richmond and Danville Railroad Company or other internal improvement companies in the State; which was twice read, and, on motion of Mr. Graham, the rule requiring the commitment of the same being suspended, was read the third time, and the question on agreeing thereto being put, was determined in the affirmative.

Ordered, That the clerk inform the House of Delegates thereof.

When the 29th district was called, Mr. Lewis called up,

No. 261, House bill entitled an act to amend section 86 of the acts of 19th of March, 1872, in relation to vacancies in office, and, on his motion, the committee for courts of justice was discharged from the further consideration of the bill, and the same was read the third time and passed with its title.

Ordered, That the clerk inform the House of Delegates thereof.

When the 30th district was called, no motion was made by the Senator from that district to call up a bill.

When the 31st district was called, Mr. Martin called up,

No. 257, Senate bill entitled an act for the governing of warehouses and the issuing of warehouse receipts.

The question being on agreeing to the amendments proposed by the House of Delegates,

Mr. Hundley moved that the bill be indefinitely postponed, and the question being put thereon, was determined in the negative—ayes 10, noes 17.

On motion of Mr. Hundley, the vote was recorded as follows:

Ayes—Messrs. French, Graham, Greever, Hundley, Lackland, Pridemore, Quesenberry, Rixey, Taylor of Loudoun, and Taylor of Norfolk city—10.

Noes—Messrs. Anderson of Rockbridge, Cochran, Fitzpatrick, Holladay, Johnson, Kirkpatrick, Lewis, Martin, Massey, Norton, Nowlin, Perrin, Robinson, Rue, Thomas, Ward, and Wynne—17.

The question recurring on agreeing to the amendments, and being put, was determined in the affirmative—ayes 14, noes 12.

On motion of Mr. Hundley, the vote was recorded as follows:

Ayes—Messrs. Anderson of Rockbridge, Cochran, Fitzpatrick, Holladay, Johnson, Kirkpatrick, Lewis, Martin, Nowlin, Perrin, Rue, Taylor of Norfolk city, Thomas, and Wynne—14.

Noes—Messrs. French, Graham, Greever, Hundley, Lackland, Massey, Pridemore, Quesenberry, Rixey, Smith, Taylor of Loudoun, and Ward—12.

Ordered, That the clerk inform the House of Delegates thereof.

When the 32d district was called, no motion was made by the Senator from that district to call up a bill.

When the 33rd district was called, Mr. Taylor of Norfolk city called up,

No. 329, House bill entitled an act to establish a port warden's line in Smith's creek and Elizabeth river near Fort Norfolk.

The amendments proposed by the committee on roads and internal navigation were agreed to, and the bill, as amended, was read the third time and passed with its title.

Ordered, That the clerk inform the House of Delegates thereof and request their concurrence in the amendments.

When the 34th district was called, Mr. Greever called up,

No. 361, House bill entitled an act requiring the consent of the Town Council of Marion, in Smyth county, to secure license to sell liquors in the town of Marion; which was twice read, and, on motion of Mr. Greever, the rule requiring the commitment of the same being suspended, was read the third time and passed with its title.

Ordered, That the clerk inform the House of Delegates thereof.

When the 35th, 36th, 37th, and 38th districts were called, no motion was made by the Senators from the districts to call up a bill.

When the 39th district was called, Mr. French called up,

No. 180, House bill entitled an act to regulate the fees of sheriffs, and the amendments proposed by the committee for courts of justice were agreed to.

The bill, as amended, was read the third time; and on motion of Mr. Nowlin, laid on the table.

When the 40th district was called, Mr. Greever called up,

No. 302, House bill entitled an act for the protection of fish in the Middle Fork of Holston river, in Smyth county; which was twice read, and, on motion of Mr. Greever, the rule requiring the commitment of the same being suspended, was read the third time and passed with its title.

Ordered, That the clerk inform the House of Delegates thereof.

On motion of Mr. Kirkpatrick, the Senate adjourned until to-morrow, six o'clock, P. M.

WEDNESDAY, APRIL 2, 1873.

The Senate met at six o'clock P. M., pursuant to a resolution adopted yesterday.

A communication from the House of Delegates, by their clerk, was read as follows:

In House of Delegates, April 1, 1873.

The House of Delegates have dismissed Senate bills entitled an act to amend and re-enact section 2nd of chapter 151 Code of 1860, in relation to attachments, No. 246, and an act in relation to actions in detinue, No. 315; and have rejected Senate bill entitled an act for the relief of William M. McGruder, James Gilman, William C. Moncure and others, No. 197; and Senate joint resolutions for paying the Maryland and Virginia boundary commissioners, terminating said commission after June 1, 1873, and regulating the issuance and location of warrants and patents on the disputed territory.

They have rejected Senate joint resolution requiring the Auditor of Public Accounts to issue his warrant on the treasury for the refunding of certain taxes paid into the treasury under the requirements of the 61st section of the tax law of 1871-72; and have agreed to Senate joint resolution directing the Superintendent of Public Printing to print 2,000 copies of the act to regulate and define the jurisdiction of the circuit and county courts, the act in relation to certain bonds and recognizances, and the act in reference to criminal prosecutions in certain cases, &c., and Senate joint resolution directing a distribution of the new Code when published.

They have passed Senate bills entitled an act to amend and re-enact the 2nd and 3rd sections of an act approved March 30, 1873, entitled an act to provide for the funding and payment of the public debt, No. 222; an act to repeal an act approved July 11, 1870, entitled an act to authorize the Governor to exchange the arms of the State for Roberts' breech-loading guns, No. 264; an act to amend and re-enact an act passed December 19, 1866, entitled an act to incorporate the Southwestern Virginia Mining, Smelting and Transportation Company, No. 321; an act to incorporate the bank of Tazewell, No. 325; an act to amend the charter of the Atlantic, Chesapeake and Ohio Transportation Company, No. 212; an act to incorporate the Virginia Iron and Lead Company, No. 343; an act in relation to the Norfolk and Southern Railroad Company, No. 65; an act to amend and re-enact section 4th, chapter 169 of the Code of Virginia (edition of 1860), in regard to writs of mandamus, prohibition and certiorari, No. 128; an act to amend and re-enact section 6th of an act entitled an act prescribing the duties and compensation of county officers, approved March 13, 1872, No. 199; an act to establish a high school in the town of Jeffersonville, and to constitute said town and the county for three miles round the same a sub-school district, and for other purposes, No. 284; an act to amend and re-enact the 1st, 2nd and 3rd sections of the act to authorize the formation of the New River Railroad Mining and Manufacturing Company,

approved March 7, 1872, No. 352; an act directing the Auditor of Public Accounts to receive from the sureties of Robert F. Vaughan, late sheriff of Goochland county, coupon bonds of the State in payment of their liabilities as such sureties, No. 268; an act to provide for placing on the commissioners' books the lands in the Commonwealth, and to enact sections 2, 18, 20, 25 and 28 of chapter 37, Code of 1860, in relation to the sales of forfeited and delinquent lands, and for other purposes, No. 259.

A message was received from the House of Delegates by Mr. Lawson, who informed the Senate that that House had agreed to the following resolution :

Resolved (the Senate concurring), That a committee of two on part of the Senate and three on part of the House, be appointed to inform his Excellency, the Governor, that the General Assembly is now ready to adjourn.

On motion of Mr. Quesenberry, the resolution was taken up, and the question on agreeing thereto being put, was determined in the affirmative.

The Chair appointed as the committee on the part of the Senate, under the resolution, Messrs. Quesenberry and Greene.

On motion of Mr. Hundley, it was

Ordered, That he inform the House of Delegates of the adoption of the resolution.

On motion of Mr. Massey,

Resolved, That the clerk of the Senate be and he is hereby authorized to issue his certificate to the assistant and committee clerks for the sum of one dollar per diem each, additional compensation for the present session.

On motion of Mr. Anderson of Rockbridge,

Resolved, That the clerk of the Senate be and he is hereby authorized to issue his certificate to the sergeant-at-arms and first door-keeper for the sum of one dollar per diem each, additional compensation for the present session.

Mr. Anderson of Rockbridge presented the following testimonial, which was read, and on his motion, ordered to be spread upon the journal of the Senate :

To SHELTON O. DAVIS, Esq.,

Clerk of the Senate of Virginia :

We, the undersigned, assistant clerks and clerks of the committees of the Senate of Virginia, now that the session has come to a close and our official relations with you have come to an end, feel that we would be wanting in gratitude and a proper appreciation of all that is manly and high-toned in character if we did not give public expression to the high esteem in which we hold you.

Uninfluenced by any selfish consideration whatever, and prompted solely by a desire to render you what is your just due, we tender to you our most sincere and cordial acknowledgment of your kind deportment towards us; for while as in duty bound you have required at our

hands the strict performance of our duty, yet you have done it in a manner in no way calculated to wound the most jealous pride or hurt the most delicate sensibility, thus showing yourself to be a true gentleman.

Of your high intelligence, and the able, efficient and impartial manner in which you have discharged your official duties, we need not speak: they are too well known to require any testimony at our hands.

Wishing you every happiness, we are,

Yours most truly,

J. D. PENDLETON,
EDGAR C. ROWE,
P. G. COGHLAN,
JOHN M. DAVIS,
HENRY C. BOWIE,
CHARLES B. BALL,
G. W. WILLIAMS.

Mr. Quesenberry, from the joint committee appointed to wait on the Governor, reported that the committee had performed the duty assigned them, and that the Governor had informed them that he had no further communications to make to the General Assembly.

Mr. Anderson of Rockbridge, after some remarks expressive of the respect and esteem of the Senate for their clerk, presented, in behalf of the members of the Senate, to Shelton C. Davis, clerk of the Senate, a gold watch-chain, as a testimonial of their high personal regard and appreciation of his official services.

Mr. Davis, in accepting the present, made a brief address, returning his thanks for this evidence of the kind regards and confidence of the Senators.

On motion of Mr. Quesenberry,

Resolved, That the thanks of the Senate are due and are hereby tendered to the clerk of the Senate and his assistants, for the ability, promptness and considerate politeness with which they have discharged the difficult duties belonging to their position.

On motion of Mr. Graham,

Resolved, That the thanks of the Senate are tendered to the sergeant-at-arms and door-keepers for the efficient and polite manner in which they have discharged their duties.

Mr. Fitzpatrick (Mr. Hundley in the chair) offered the following resolution:

Resolved, That the Senate, desiring to express to the Hon. John L. Marye, Jr., their appreciation of the able, faithful and impartial manner in which he has discharged the responsible duties of his office, do hereby tender to him their appreciation of his services and cordial good wishes for his future success and happiness.

The question being put on the adoption of the said resolution, was determined unanimously in the affirmative.

Lieut.-Governor John L. Marye, Jr., resumed the chair—when

A message was received from the House of Delegates by Mr. Graham, who informed the Senate that that House was ready on its part to adjourn sine die.

On motion of Mr. Kirkpatrick, it was

Ordered, That he inform the House of Delegates that the Senate is also ready on its part to adjourn.

The following are the enrolled bills and joint resolutions signed by the President:

Joint resolution declaring elections of judges to fill vacancies to be for the unexpired terms of their predecessors ; approved December 18th, 1872.

An act authorizing the trustees of the Protestant Episcopal church and congregation at Harrisonburg to execute deeds of trust ; approved December 18th, 1872.

An act to prevent the conversion of money received by the collecting officers of the commonwealth into coupons, and for other purposes ; in force December 24th, 1872.

An act to amend the charter of the town of Seddon, in the county of Bland : in force December 24th, 1872.

An act to amend an act entitled "an act to amend the charter and change the name of the Merchants and Mechanics savings bank of the city of Richmond ;" approved December 18th, 1872.

An act to incorporate the Isle of Wight land and lumber company ; in force December 25th, 1872.

An act authorizing the formation of a sub-school district in Mount Gilead and Jefferson townships, in the county of Loudoun, and to provide for the erection of school buildings in the same ; approved December 18th, 1872.

An act to incorporate the town of New Market, in the county of Shenandoah ; in force December 25th, 1872.

Joint resolution for recess of the general assembly ; agreed to December 16th, 1872.

An act for the relief of G. Guvernator, C. Wendlinger, and E. Lohman, securities of Fernando King, late sheriff of Surry county ; in force December 25th, 1872.

An act to repeal an act authorizing the supervisors of certain counties to impose a tax on dogs ; in force December 26th, 1872.

An act to amend and re-enact the 20th and 21st sections of chapter 201 of the Code of Virginia, edition of 1860, relative to the appointment of conservators of the peace for watering places, for the University of Virginia, and for incorporated colleges ; approved December 28d, 1872.

An act to repeal an act entitled an act to provide for the payment of interest on the public debt, in force March 19th, 1872 ; approved December 23d, 1872.

An act declaring valid the assessment of real estate and the collection of taxes on the same, under the act in force January 24, 1872 ; approved December 18th, 1872.

An act authorizing the Old Dominion coal company to construct a railroad from their coal mines, in Powhatan county, to James river; approved December 18th, 1872.

An act to amend and re-enact sections 3, 4, and 6 of chapter 144 of the Code of Virginia (1860), in reference to the protest of notes; in force December 25th, 1872.

An act to incorporate the Alexandria infirmary; approved December 23d, 1872.

An act for the relief of William M. Buck; approved December 21st, 1872.

An act for a redision of the county of Fairfax into townships; in force January 16th, 1873.

An act to declare New river, from the county line between Giles and Pulaski counties to the county line between Giles and Mercer counties, a lawful fence; in force January 16th, 1873.

An act to declare Banister river, in the county of Pittsylvania, a lawful fence; in force January 16th, 1873.

An act repealing the act passed March 28th, 1871, declaring Smith's river, in the county of Henry, a lawful fence; in force January 16th, 1873.

Joint resolution in relation to the James River and Kanawha canal; agreed to December 19th, 1872.

An act to incorporate the town of Martinsville, in the county of Henry; in force January 16th, 1873.

An act to sell the lands in the county of Accomac, donated by Samuel Sanford, and apply the proceeds to free school purposes; approved January 13th, 1873.

An act to incorporate the town of Covington, in the county of Alleghany; in force January 16th, 1873.

Joint resolution extending the time for the collection of taxes and township levies in the commonwealth for the year 1872; approved January 13th, 1873.

An act to provide artificial limbs for citizens of the commonwealth who lost their limbs during the war; approved January 13th, 1873.

An act for the relief of Joseph T. Griffith and others, sureties of Charles A. Milton, late collector of Battletown township, county of Clarke; approved January 13th, 1873.

Joint resolution in regard to the public debt; agreed to January 7th, 1873.

An act to amend and re-enact the second section of an act entitled an act authorizing an increase of the capital stock of the Kanawha coal company, and for other purposes, passed March 1st, 1858; in force January 16th, 1873.

An act to amend and re-enact section 1 of chapter 120 of the Code (edition of 1860), in reference to notaries public; approved January 14th, 1873.

An act to authorize decrees in chancery causes to be entered by consent of parties in vacation, and to validate decrees heretofore rendered in vacation; approved January 14th, 1873.

An act to amend an act entitled an act authorizing the board of supervisors of Buckingham county, Virginia, to borrow money to rebuild the courthouse of said county, destroyed by fire in 1868, approved March 15th, 1871; approved January 14th, 1873.

An act to amend and re-enact section 4 of chapter 186 of the Code of 1860, in relation to docketing judgments and other liens of a like nature; approved January 14th, 1873.

An act to exempt citizens of Tangier, Syxes, Chincoteague, Hog and Cobb's islands from jury service; in force January 21st, 1873.

An act to amend and re-enact the first section of an act entitled an act to amend and re-enact an act passed March 15th, 1849, entitled an act to extend the limits of and for electing trustees for the town of Marion, in the county of Smyth, investing them with certain corporate powers; in force January 21st, 1873.

An act to incorporate the town of Potomac; in force January 21st, 1873.

An act to provide for the removal of certain causes from the docket of the special court of appeals to the docket of the supreme court of appeals; approved January 17th, 1873.

An act to authorize the collector of Pungoteague township to collect the district school taxes for the year 1871; approved January 18th, 1873.

An act to authorize the supervisors of Caroline county to grant a lot of land in Port Royal to the Baptist church; approved January 21st, 1873.

An act to prohibit the voters within the corporate limits of Lynchburg from voting for county officers in Campbell county; approved January 18th, 1873.

An act to encourage agricultural and industrial fairs; approved January 20th, 1873.

An act to provide for the collection of the revenue of the city of Norfolk for the year 1872; approved January 20th, 1873.

Joint resolution authorizing the payment of interest on the bonds of the state purchased with the agricultural land scrip; approved January 27th, 1873.

An act to amend and re-enact the 12th section of chapter 182 of the Code of 1860, in relation to appeals, writs of error and supersedeas, approved June 23d, 1870; approved January 27th, 1873.

An act releasing the Bank of Danville from the payment of its notes upon certain conditions; approved January 27th, 1873.

An act to authorize the county court of Bedford county to order the sale of certain lands in said county, and apply the proceeds thereof to the completion of a church; approved January 27th, 1873.

An act to remove certain causes commenced in the county courts to the circuit courts, and for other purposes; in force February 3d, 1873.

An act to incorporate the town of New Castle, in the county of Craig; in force February 3d, 1873.

Joint resolution instructing the senators in Congress from Virginia to vote against the repeal of the bankrupt law, and requesting the repre-

sentatives from Virginia to unite their efforts with said senators therein, &c.; agreed to January 22d, 1873.

Joint resolution requesting the governor to give official notice to the creditors of the state; agreed to January 22d, 1873.

An act to amend and re-enact an act entitled an act to amend and re-enact an act entitled an act for the relief of the late sheriffs of the commonwealth, approved February 21st, 1872; approved February 5th, 1873.

An act to authorize the Virginia and North Carolina railroad company to assume and be known by the name of the Washington City, Virginia, Midland and Great Southern railroad company; approved February 4th, 1873.

An act to enable the trustees of the Presbyterian church at Harrisonburg, Rockingham county, and their successors in office, to receive and hold a bequest under the will of Ann Davison, deceased; approved February 5th, 1873.

An act to amend section 14 of chapter 19 of Code of 1860, directing the committee on the library to make purchases for the library: approved February 5th, 1873.

An act to incorporate the Richmond building and improvement company; approved February 5th, 1873.

Joint resolution instructing the auditor of public accounts to subject the property of the Chesapeake and Ohio railroad company to the payment of taxes due and in arrears; approved February 4th, 1873.

An act to amend and re-enact an act entitled "an act to amend and re-enact an act" approved 9th of July, 1870, entitled "an act to amend and re-enact section 28 of chapter 46 of the Code of Virginia of 1860, to provide for the appointment of criers or persons to perform certain duties, where there are no sheriffs or sergeants, approved March 23rd, 1872;" approved February 5th, 1873.

An act to amend and re-enact the 9th section of chapter 108 of the Code of 1860, in reference to marriages within prohibited degrees of relationship; approved February 5th, 1873.

An act to amend and re-enact the fifth section of an act to appropriate the income arising from the proceeds of the land scrip accruing to Virginia under act of Congress of July 27, 1862, and the act amendatory thereof, approved March 19, 1872, and March 23, 1872, approved February 5, 1873.

An act to amend and re-enact the 6th and 7th sections of chapter 121 of the Code of Virginia (edition of 1860), and all acts amendatory thereof, in relation to the acknowledgments of deeds; approved February 5, 1873.

An act to incorporate the society of the alumni of the University of Virginia; approved February 6, 1873.

An act to provide for the assessment and collection of state taxes within the town of Suffolk, Nansemond county; approved February 7, 1873.

An act to authorize and empower the councils of the cities of Richmond, Petersburg and Norfolk to increase the salaries of the judges of said cities; approved February 7, 1873.

An act for the relief of Robert M. Hettrick, late superintendent of schools for Rappahannock county; in force February 10, 1873.

An act to amend and re-enact sections 17 and 22 of an act amending the charter of the town of Harrisonburg, passed July 9, 1870; in force February 10, 1873.

An act to authorize the qualified voters of the county of Halifax to vote on the question of the purchase of the toll-bride at South Boston in that county, in order to make it a free bridge; in force February 10, 1873.

An act to amend and re-enact an act entitled an act to authorize the trustees of Strasburg academy, in Shenandoah county, to sell a certain lot of land; in force February 10, 1873.

An act to amend the charter of the town of Berryville, as contained in the acts approved the 29th of October, 1870, and the 23rd of March, 1871; in force February 10, 1873.

An act for the relief of Samuel R. Allabaugh, late sheriff of Rockingham county; in force February 10, 1873.

Joint resolution to appoint a committee to adjust the state debt; agreed to January 28, 1873.

An act to amend and re-enact section 5th of chapter 176 of the Code of 1860, in relation to copies of records and papers in public offices as evidence; approved February 11, 1873.

An act to amend and re-enact the 16th section of the 87th chapter of the Code of Virginia, in relation to the inspection of tobacco; approved February 11, 1873.

An act to amend and re-enact an act entitled an act to amend the 48th section of chapter 101 of the code of 1860, to prevent the destruction of wild fowl in the state, approved March 18th, 1872; approved February 11, 1873.

An act to amend the first section of an act entitled an act to amend an act to incorporate the Valley railroad company, passed March 1st, 1867; approved February 15, 1873.

An act to amend and re-enact section first and third of an act entitled an "an act declaring certain streams in Charlotte county to be highways," approved March 25, 1872; approved February, 1872.

'An act to amend and re-enact section 12, chapter 63 of the Code of Virginia, (1860), so as the more effectually to require millers to grind for toll all grain brought to their mills for the consumption of the person bringing or sending, or his family; approved February 15, 1873.

Joint resolution instructing the treasurer to issue a duplicate of check No. 2,572 to J. H. Greenlee; approved February 18, 1873.

An act to authorize the Washington City, Virginia, Midland and Great Southern railroad company to acquire and sell lands; approved February 15, 1873.

An act for the payment of the funeral expenses of William S. Rohr, late an officer of the senate; approved February 15, 1873.

An act to preserve all rights and remedies imperilled or destroyed by the loss or destruction during the late war of papers filed in the various public offices of the commonwealth; approved February 15, 1873.

An act to authorize the Washington City, Virginia, Midland and Great Southern railroad company to issue bonds to provide for the payment of the bonds and debts of the Orange, Alexandria and Manassas railroad company, and of the Lynchburg and Danville railroad company, and for other purposes ; approved February 15, 1873.

An act to authorize the Washington City, Virginia, Midland and Great Southern railroad company to extend its railway from Alexandria to a point on the Potomac river opposite or near to or above the cities of Washington or Georgetown ; approved February 15, 1873.

An act to authorize the trustees to sell Rappahannock academy, in Caroline county ; approved February 15, 1873.

An act to empower the circuit court of Wise county to direct the sale of certain lands belonging to the state of Virginia, situated in said county of Wise, and providing for the conveyance of the same to the purchasers thereof, and for other purposes ; approved February 15, 1873.

An act to amend and re-enact an act entitled an act to prescribe the times for holding the circuit courts of the state, in force 19th of March, 1872; in force February 17, 1873.

An act to incorporate the Mangorike wharf company on the Rappahannock river ; in Force February 17, 1873.

An act to amend and re-enact sections 1, 3, 16, and 17 of chapter 130 of the acts of 1866-'67, in relation to the charter of the town of Jonesville ; in force February 17, 1873.

An act to incorporate the town of Rocky Mount, in the county of Franklin ; in force February 17, 1873.

An act to authorize the board of supervisors for Wythe county to contract for keeping in repair certain public roads in said county ; in force February 17, 1873.

An act relating to the public printing, and defining the duties of the Superintendent of Public Printing ; approved February 19th, 1873.

An act to extend the time within which Spencer D. Fletcher, late sheriff of Accomac county, may collect the taxes for the years 1867 and 1868 ; approved February 19th, 1873.

Joint resolution, memorializing Congress to abolish the internal tax on all liquors made from fruit ; agreed to February 8th, 1873.

An act to amend and re-enact section 33 of chapter 162 of the Code of 1860, and section 10 of chapter 208 of said Code, as amended by an act in force February 1st, 1872, in relation to the pay of jurors ; in force February 21st, 1873.

An act to incorporate the town of Lebanon, in Russell county ; in force February 21st, 1873.

An act to annex a portion of the territory of the county of Franklin to the county of Floyd ; approved February 26, 1873.

An act to enable the vestrymen of Lyttleton parish, in the county of Cumberland, to sell certain church property and re-invest the proceeds ; approved February 26, 1873.

An act to amend and re-enact the first section of an act approved March 25th, 1871, entitled an act to amend and re-enact the first and fourth sections of an act entitled an act to authorize the city of Norfolk

to construct water works for the use of the people of said city, passed January 14th, 1867; approved February 26, 1878.

An act to repeal an act entitled an act for the protection of fish in the Blackwater river and its tributaries, approved March 21st, 1872; approved February 25, 1873.

An act to amend and re-enact the first section of an act entitled an act to regulate the taking of fish for the purpose of manufacturing oil or manure, approved March 23d, 1871; approved February 25, 1873.

An act to authorize James Duncan and others to erect a pier-head in Ware river in the county of Gloucester; approved February 26, 1873.

An act refunding tax erroneously assessed on the Union Lead Mine Company; in force March 3, 1873.

An act to repeal an act passed May 19th, 1852, entitled an act to provide for the election of certain officers of the city of Norfolk by the qualified voters thereof; approved February 26, 1873.

An act to repeal an act to amend and re-enact sections 6, 8, 14 and 15, and to repeal sections 7, 16, 17, and 18 of chapter 150 of the Code of Virginia (edition of 1860), concerning warrants for small claims, approved March 29th, 1871, and to re-enact sections 6, 7, 8, 14, 15, 16, 17 and 18 of the said chapter of the Code; approved February 26, 1873.

An act to incorporate the United States gold and silver amalgamating company of Virginia; in force March 3, 1873.

An act to incorporate the American lithographic stone company of Virginia; in force March 3, 1873.

Joint resolution instructing the second auditor to pay interest on state bonds held by the school trustees of Prince William county; approved February 26, 1873.

Joint resolution in regard to the centennial celebration and international exhibition; agreed to February 22, 1873.

An act to authorize the formation of the Virginia mining, manufacturing and transportation company; in force March 4, 1873.

An act to authorize the Liberty and Rocky Mount narrow gauge railroad company to extend its road from Rocky Mount to the North Carolina line; approved March 6, 1873.

An act for the protection of fish in Smith's river in the county of Henry; approved March 6, 1873.

An act to authorize the board of public works to transfer the Junction Valley turnpike to the counties through which it passes; approved March 6, 1873.

An act to amend and re-enact section three of an act passed January 30th, 1831, entitled an act incorporating the Danville female academy; approved March 6, 1873.

An act to amend and re-enact the first section of the act passed March 4th, 1872, amending and re-enacting the act passed July 11th, 1870, entitled an act to incorporate the Potomac and Manassas railroad company; approved March 6, 1873.

An act to amend and re-enact the third section of an act passed July 9th, 1870, incorporating the Fairfax county narrow gauge elevated railroad company; approved March 6, 1873.

An act to amend the first section of an act entitled an act to amend and re-enact an act to authorize the circuit courts of the commonwealth to grant charters of incorporation, and to repeal sections 4, 5, 6, 7, 8, 9 and 10 of chapter 65, and section 54 of chapter 57 of the Code of Virginia (edition of 1860), approved March 20th, 1871, in force March 21, 1872, authorizing judges in vacation to amend charters of incorporation ; approved March 6, 1873.

An act giving the consent of this state to the purchase by the United States of two tracts of land in the counties of Henrico and Hanover to be used for military cemeteries, and exempting the same from state and county taxes ; approved March 7, 1873.

An act to amend and re-enact section 14 of chapter 130 of the Code of 1860, as amended, in relation to property not to be sold by personal representatives ; approved March 7, 1873.

An act to encourage donations to the University of Virginia and to constitute the state of Virginia the trustee thereof ; approved March 7, 1873.

An act to authorize the common council of Petersburg to issue bonds of the city to the amount of forty thousand dollars for public school purposes ; approved March 7, 1873.

An act incorporating the town of Louisa in Louisa county ; approved March 8, 1873.

An act to amend and re-enact section seven of an act in force March 26, 1872, entitled an act to incorporate the Old Dominion construction company ; in force March 11, 1873.

An act for the relief of the sureties of Wm. M. Hume, deceased, late sheriff of Fairfax county ; in force March 11, 1873.

An act to amend and re-enact the 5th section of an act in force March 20, 1872, entitled an act to amend and re-enact sections four and five of the act relating to fences and for the protection of crops, passed January 26, 1866 ; in force March 11, 1873.

An act to provide a new charter for the city of Portsmouth ; approved March 11, 1873.

An act to incorporate the Masonic relief and banking association ; in force March 11, 1873.

An act for the relief of Edgar Allan of Farmville, Prince Edward county ; in force March 11, 1873.

Joint resolution extending the present session of the general assembly ; agreed to February 26, 1873.

Joint resolution for the appointment of a joint committee to make arrangements for the reception of the President of the United States ; agreed to March 5, 1873.

Joint resolution in relation to the death of General Edward Johnson ; agreed to March 3, 1873.

Joint resolution giving the consent of the state of Virginia to the Berlin bridge company to build a bridge across the Potomac river at Berlin ; approved March 8, 1873.

An act declaring Smith's river in the county of Henry a lawful fence ; approved March 8, 1873.

An act to amend and re-enact chapter 52 of the acts of 1871-'72, approved February 2d, 1872, entitled an act authorizing the collection of the unpaid taxes of the county of Orange for the years 1868 and 1869; approved March 8, 1873.

An act to amend and re-enact sections 5 and 13 of the act in force March 22d, 1872, entitled an act to amend and re-enact certain acts in relation to the town of Fincastle, in the county of Botetourt, and to extend the corporate limits of said town; approved March 8, 1873.

An act authorizing the governor to appoint a state assayer and chemist; approved March 8, 1873.

An act to authorize the corporate authorities of Winchester and the supervisors of Frederick county to subscribe to the capital stock of the Shenandoah Valley agricultural society; approved March 8, 1873.

An act to incorporate the trustees of the Presbyterian committee of publication; approved March 8, 1873.

An act to amend an act passed February 19th, 1861, entitle an act to incorporate St. Paul's church home; approved March 12, 1873.

An act to incorporate the Virginia coal company; approved March 10, 1873.

An act to authorize the issue of duplicate land warrants, &c., where the originals have been lost or destroyed; approved March 8, 1873.

An act to amend sections 1 and 2 of chapter 254, acts of 1855-'56, passed December 20th, 1872, in relation to the town of Upperville; approved March 8, 1873.

An act to authorize the guardian of John P. Boyd, an infant, to convey certain real estate belonging to said infant in the state of Alabama; approved March 8, 1873.

An act to protect fish in the Clinch river, from the line of Scott county to the Tazewell county line; approved March, 8, 1873.

An act to repeal the act entitled an act to amend and re-enact section 12 of chapter 34 of the Code of 1860, in relation to certain debts due the Virginia Military Institute, approved March 4th, 1871, and to re-enact the said section of the said chapter of the Code; approved March 8, 1873.

An act to incorporate the Hunter Woodis club of Norfolk; approved March 8, 1873.

An act declaring and describing what fees a justice of the peace may charge for services connected with the trial of warrants for small claims; approved March 8, 1873.

An act to declare Hardware river in Fluvanna county a lawful fence; approved March 8, 1873.

An act to amend and re-enact section 12, chapter 170 of the Code, as amended by the act passed January 8th, 1867, in relation to the time when a case may be tried after order of publication; approved March 8, 1873.

An act to incorporate the Franklin toll bridge across Staunton river in the counties of Campbell and Halifax; approved March 8, 1873.

An act to amend and re-enact section 4 of chapter 125 of the Code of

1860, in relation to the maintenance of illegitimate children ; approved March 8, 1873.

Joint resolution to authorize the board of public works to receive the amount due by the Alexandria, Loudoun and Hampshire railroad company, and to extend the time for the completion of the Washington and Ohio railroad to the town of Winchester ; approved March 8, 1873.

An act to authorize the trustees of Hamilton Lodge, No. 37, Ancient Free and Accepted Masons, to borrow money for the purpose of erecting a Masonic hall ; approved March 8, 1873.

An act to incorporate the Masonic relief association of the city of Norfolk ; approved March 8, 1873.

An act to amend and re-enact the 1st section of chapter 120 of the Code of Virginia (edition of 1860), as amended and re-enacted by the act approved January 14, 1873, in relation to notaries public ; approved March 8, 1873.

An act to amend and re-enact sections 7 and 9 of chapter 160 of Code of 1860, as amended by an act approved June 23, 1870, in relation to terms of supreme court of appeals ; approved March 8, 1873.

An act to amend and re-enact section 41 of an act entitled an act prescribing the duties and compensation of county officers, approved March 18, 1872 ; approved March 8, 1873.

An act declaring a portion of Smith's creek and Cohoon's creek a lawful fence ; approved March 8, 1873.

An act to authorize the sureties of James S. Barksdale, as late sheriff of Albemarle, to discharge the judgment against them in favor of the commonwealth with bonds of the commonwealth ; in force March 14, 1873.

An act for the relief of Thomas A. and W. R. Bryan ; in force March 14, 1873.

An act for the relief of William E. Grigsby, of King George county ; in force March 14, 1873.

An act for the relief of the sureties of H. G. Wax, township collector in the Estillville township, Scott county ; in force March 14, 1873.

An act for the relief of John W. Myers, of Highland county ; in force March 14, 1873.

An act to protect butter and cheese manufactories ; in force March 14, 1873.

An act to amend and re-enact sections 5 and 10 of an act passed January 2, 1866, entitled an act to incorporate the Johnston insurance company of Danville, Virginia ; in force March 14, 1873.

An act to prevent the placing of obstructions in Sycamore creek, in the county of New Kent ; in force March 14, 1873.

An act to incorporate Henderson Lodge, No. 105, Independent Order of Odd-Fellows, situated in the town of Manchester ; in force March 14, 1873.

An act to amend and re-enact an act approved March 23, 1872, entitled an act to amend and re-enact the ninth section of the act approved

March 31, 1871, to incorporate the Richmond and Henrico railroad, turnpike and graded road company ; in force March 14, 1873.

Joint resolution instructing the attorney-general to inquire whether any dividends were due the state on stock held by the state in the Petersburg and Roanoke railroad company, before the date of the transfer thereof, in 1849, &c.; in force March 14, 1873.

An act to amend section 81 of an act approved March 19th, 1872, entitled an act to amend and re-enact an act prescribing the duties and compensation of certain township officers, approved July 11, 1870, and acts amendatory thereof; approved March 11, 1873.

An act requiring the joint committee for the Norfolk county ferries to report and make annual settlements ; approved March 11, 1873.

An act giving the consent of the state for the purchase by the United States of land within the state for the erection of light houses ; approved March 11, 1873.

An act to authorize the county court of Amherst county to declare James river, or the James River and Kanawha canal, or any part of either, a lawful fence within the limits of said county ; approved March 18, 1873.

An act to amend and re-enact sections 63 and 79 of an act entitled an act to amend and re-enact an act prescribing the duties and compensation of certain township officers, approved July 11, 1870, and acts amendatory thereof, approved March 18, 1872; approved March 18, 1873.

An act to admit persons over twenty-one years of age into the public free schools on payment of tuition fees ; approved March 18, 1873.

An act to amend and re-enact section five of an act entitled an act to prescribe the times for holding the circuit courts of the state, in force February 17, 1873 ; approved March 13, 1873.

An act to amend section 3, chapter 16, Code of Virginia of 1860, in reference to the time when the acts of the general assembly shall take effect ; approved March 13, 1873.

An act declaring Thornton's river a lawful fence ; approved March 18, 1873.

An act to provide for the payment of interest on the public debt ; approved March 18, 1873.

An act to amend the seventh section of an act entitled an act to incorporate the Gordonsville and Chester Gap railroad company, approved March 15, 1871 ; approved March 13, 1873.

An act to re-enact an act concerning an act to amend and re-enact an act incorporating the Cottage toll bridge company ; in force March 15, 1873.

An act to incorporate the young men's Hebrew benevolent society of Lynchburg, Virginia ; in force March 15, 1873.

Joint resolution memorializing Congress to donate public lands for public free schools in Virginia ; agreed to March 10, 1873.

Joint resolution discharging joint committee on reception of the President of the United States ; agreed to March 13, 1873.

An act to incorporate the Nansemond land, lumber and narrow gauge railway company; approved March 19, 1873.

Joint resolution providing for a joint committee of investigation in the charges against the Mount Vernon ladies' association; agreed to March 7, 1873.

An act authorizing a majority of the living trustees of the Baptist church and congregation at Orange courthouse, Virginia, to sell and execute a deed to the lot in the village of Orange courthouse upon which the church formerly stood, and to apply the purchase money in the erection of a new house of worship; approved March 19, 1873.

An act to amend and re-enact sections 6, 14 and 27 of an act providing a charter for the city of Norfolk, in force March 16, 1871, as amended by an act in force March 4, 1872; approved March 19, 1873.

An act to amend the 1st section of chapter 115, Code of Virginia (edition of 1860), as amended by chapter 203 of an act passed February 16, 1867, in relation to aliens: approved March 19, 1873.

An act to amend and re-enact an act entitled an act to amend and re-enact the 11th section of chapter 188 of Code of Virginia, in relation to debtors' estates; approved March 19, 1873.

An act to amend the act in force February 7, 1872 in relation to the investment of the proceeds arising from the sale of the land scrip donated by Congress to Virginia; approved March 19, 1873.

An act directing the board of public works to sell the state's interest in the Richmond, Fredericksburg and Potomac railroad company; approved March 19, 1873.

An act supplemental to an act to appropriate the income arising from the proceeds of the land scrip accruing to Virginia under act of Congress of July 2, 1862, and an act amendatory thereof, approved March 19, 1872; approved March 19, 1873.

An act to amend and re-enact sections 13, chapter 127, of the Code of Virginia (edition of 1860), and to extend the powers of circuit courts in relation to the estates of Infants; approved March 19, 1873.

An act authorizing the formation of land associations; approved March 19, 1873.

An act to prevent the seduction of females, and amending and re-enacting 16th section chapter 191, in reference to the abduction of females; approved March 19, 1873.

An act to amend the 3rd section of chapter 188 of Code of 1860, relative to the mode of enforcing recoveries of money on executions; approved March 19, 1873.

An act to prohibit obstructions to the fisheries in Chesapeake bay, Lynn Haven bay or Willoughby's bay, from Cape Henry to Sewell's point; approved March 10, 1873.

Joint resolution authorizing the board of public works to audit the claim of Cocke and Collier, for work done on the Danville and Wytheville turnpike; approved 20, 1873.

An act to authorize the board of public works to sell the state's interest in the upper Appomattox company; approved March 20, 1873.

An act providing for the preservation of historical papers ; approved March 20, 1873.

An act to enable the trustees of Massanutton Presbyterian church, near Cross Kees, Rockingham county, Virginia, to receive and hold a bequest under the will of Ann Davidson, deceased ; approved March 20, 1873.

An act to amend and re-enact the first section of an act approved April 2d, 1870, to district the State for county judges ; approved March 21, 1873.

An act for the relief of Ann Sipe of Lickinghole township, in Goochland county ; in force March 25, 1873.

An act for the relief of William Debeak, deceased, as one of the sureties of Leonidas Leone, executor of Solomon G. Barrick, deceased ; in force March 25, 1873.

An act continuing the powers of the trustee of the Gloucester charity free school, and authorizing the funds under their control to be appropriated to the use of the poor of Gloucester county, and repealing the act on that subject, approved March 31, 1871 ; in force March 25, 1873.

An act to provide for the valuation of life insurance policies ; in force March 25, 1873.

An act to provide for publication of a new edition of the Code of Virginia ; in force March 25, 1873.

An act to amend and re-enact an act to amend and re-enact section two of an act entitled an act to regulate the taking of fish for the purpose of manufacturing oil or manure, approved March 28, 1871, approved March 15, 1872 ; in force March 25, 1873.

An act to provide for the payment of the amount due from the state on account of her subscription to the Saltville and Laurel turnpike company ; in force March 25, 1873.

An act to authorize counties, cities, towns and townships to endorse the bonds of the Washington, Cincinnati and St. Louis railroad company ; in force March 25, 1873.

An act to amend and re-enact section three of an act passed March 3, 1866, providing for adjustment of liabilities arising under contracts, and wills made between 1st day of January, 1862, and the 10th day of April, 1865 ; in force March 25, 1873.

An act to amend and re-enact 1st and 5th sections of the act entitled an act to incorporate the Virginia and Northeastern railroad company ; in force March 25, 1873.

An act to amend and re-enact section 69 of chapter 385 of acts of 1871-'72, as to collection of taxes on coupons ; in force March 25, 1873.

An act to regulate and define the jurisdiction of the county and circuit courts, to prescribe the number of terms of the circuit courts, and to fix the pay of county judges ; in force August 1, 1873.

An act to repeal the 60th and 61st sections of an act entitled an act imposing taxes for the support of government and free schools, and to pay the interest on the public debt ; in force March 25, 1873.

Joint resolution for printing 1,000 copies of the act to amend and re-

enact an act entitled an act providing for the re-assessment of land in the commonwealth, passed February 1st, 1872, so as to enable those counties in the state which failed to avail themselves of the provisions of said act to do so; agreed to March 14th, 1873.

Joint resolution providing the mode of electing county judges; agreed to March 19th, 1873.

An act to authorize the issue of certificates of state debt to the executors of Jaquelin P. Taylor for principal and interest on certain lost coupon bonds; approved March 20, 1873.

An act to incorporate the Richmond and Henrico turnpike company; approved March 20, 1873.

An act to enable the trustees of Mount Tabor church, in Augusta county, and their successors in office, to receive and hold a bequest under the will of Margaret Cole, deceased; approved March 20, 1873.

An act to amend and re-enact section 22 of an act entitled an act to provide for a general election, approved May 11th, 1873; approved March 20, 1873.

An act to authorize the corporate authorities of Winchester to borrow money; approved March 20, 1873.

An act to authorize the board of supervisors of Bath county to borrow money to defray the cost of erecting a bridge over the Cowpasture river; approved March 20, 1873.

An act to amend and re-enact section one of an act passed April 27th, 1867, entitled an act to incorporate the Planters' and Mechanics' insurance company of Danville, and to change its name to the Danville banking and insurance company; approved March 20, 1873.

An act to authorize the division of Speedwell school district in the county of Wythe into two school districts; approved March 20, 1873.

An act to amend and re-enact section 24 of the act approved May 11th, 1870, entitled an act to provide for a general election; approved March 20, 1873.

An act to incorporate the Suffolk lumber company; approved March 20, 1873.

An act to incorporate the Green Hill cemetery of New Town, Stephensburg, Frederick county, Virginia; approved March 22, 1873.

An act to increase the capital stock of the Petersburg gas-light company; approved March 22, 1873.

An act to amend and re-enact the 1st and 2nd sections of the 169th chapter of the Code of 1860, as amended by the 12th chapter of the acts of 1863-'4, and by the 18th chapter of the acts of 1864-'5, prescribing the courts in which legal proceedings are commenced; approved March 22, 1873.

An act to amend and re-enact section 38 of chapter 57 of the Code of 1860, as to the pleading of usury by chartered companies; approved March 22, 1873.

An act incorporating the Woodstock and Wardensville turnpike company; approved March 22, 1873.

~~An act to amend and re-enact the 5th section of the 172d chapter of~~

the Code of Virginia (edition of 1860) in relation to special pleas of set-off; approved March 22, 1873.

An act to regulate the working of the roads of Rockbridge and Lee counties; in force March 26, 1873.

An act for the relief of John Pollard of King and Queen county; in force March 26, 1873.

An act for the relief of A. W. Vaughan, collector of Francisco township in Buckingham county in the year 1871; in force March 26, 1873.

An act to amend sections 4, 23 and 25 of an act in relation to working the roads in Loudoun county; in force March 26, 1843.

An act to amend and re-enact section 1 of chapter 15 of the Code, as amended and re-enacted by an act approved November 1st, 1870, in relation to the times of meeting of the general assembly; in force March 26, 1873.

An act to authorize an artificial arm or commutation therefor to be issued to Moses Cavanaugh; in force March 26, 1873.

An act to authorize the common council of the town of Danville to borrow money; in force March 26, 1873.

An act to amend and re-enact the seventh section of an act approved April 2d, 1870, to provide for dividing the several counties of this state into townships; in force March 27, 1873.

An act to extend the time for the completion of its road by the Fredericksburg, Orange and Charlottesville railroad company, to provide for constructing a branch and extension of said road, and to prescribe what may be done to complete the same in case of forfeiture incurred by said company; in force March 27, 1873.

An act incorporating the Leesburg and Goose creek bridge company.

An act to authorize the Chesterfield land and improvement company to build wharves.

An act to incorporate the Valley mining and manufacturing company.

An act to incorporate the trustees of Sullin college, of Goodson, Washington county, Virginia.

An act appropriating the public revenue for the fiscal year 1872-'73.

An act to constitute conductors and agents of railroads conservators of the peace.

An act to amend and re-enact an act entitled an act to fix the compensation of the members of the board of supervisors of Lee, Wise, Scott, Buchanan, Russell and Bland counties, and for other purposes; approved March 31st, 1872.

An act to authorize the issue of land warrants for small quantities in lieu of warrants heretofore issued for large quantities of land.

An act to amend and re-enact chapter 122 of the acts of 1871-'72, in relation to the relief of the sureties of William Sample, late sheriff of Russell county.

Joint resolution in relation to the preservation of the original draft of the ordinance of secession, adopted by the convention of Virginia, April, 1861.

An act to incorporate the Nansemond and Norfolk county turnpike company.

An act to incorporate the town of Manassas in Prince William.

An act to amend and re-enact section one of chapter 21 of the Code of 1860, concerning the superintendent of public buildings.

An act to authorize the second auditor to issue duplicates of certain warrants on the treasury lost or destroyed before payment.

An act to amend an act entitled an act to amend an act passed the 29th of May, 1852, entitled an act to prescribe the mode of electing trustees for the town of Farmville in the county of Bedford, and vesting them with corporate privileges, approved July 11, 1870, to provide for the election of certain officers by the town council.

An act to incorporate the Richmond and Fair Oaks turnpike company in the county of Henrico.

An act to incorporate the Dismal Swamp lumber company.

An act in reference to certain bonds and recognizances.

An act to authorize county courts to declare water courses lawful fences.

An act to incorporate the Rockingham bank.

An act to authorize the board of directors of the Western lunatic asylum to convey a certain lot or parcel of land to William B. Kayser, of the city of Staunton.

An act to authorize the county school board of Elizabeth City county to borrow money for the purpose of erecting a high school in the town of Hampton.

An act in relation to the Aaron Hall free school fund of the county of Hanover.

An act to amend and re-enact section 14 of chapter 177 of Code of 1860, in relation to interest.

An act to incorporate the Farmers' bank of Lynchburg.

An act to authorize the trustees of the town of Manchester to issue bonds for improvements in said town.

An act to incorporate the Powell's river navigation company, and to prescribe the duties thereof.

An act to amend and re-enact an act passed December 19, 1866, entitled an act to incorporate the Southwestern Virginia mining, smelting and transportation company.

An act to amend sections 46 and 52, chapter 87, Code of 1860, as amended by an act passed April 20th, 1867, entitled an act to amend certain sections of chapter 87, Code of 1860, and in relation to the inspection of tobacco, and the third section of said act passed as aforesaid.

An act to incorporate the bank of Tazewell.

An act to amend and re-enact section 4 of chapter 169 of the Code of Virginia (edition of 1860), in regard to writs of mandamus, prohibition and certiorari.

Joint resolution directing the superintendent of public printing to print two thousand copies of the act to regulate and define the jurisdiction of the circuit and county courts, the act relating to certain bonds

and recognizances, and the act in reference to criminal prosecutions in certain cases, &c.

An act to amend and re-enact the first, second and third sections of the act to authorize the formation of the New River railroad, mining and manufacturing company, approved March 7th, 1872.

An act to incorporate the Virginia iron and land company.

An act to repeal an act approved July 11, 1870, entitled an act to authorize the governor to exchange the arms of the state for Roberts' breech-loading guns.

An act to amend and re-enact section six of an act entitled an act prescribing the duties and compensation of county officers, approved March 13th, 1872.

An act directing the auditor of public accounts to receive from the sureties of Robert F. Vaughan, late sheriff of Goochland county, coupon bonds of the state in payment of their liabilities as such sureties.

An act in relation to the Norfolk and Southern railroad company.

An act to establish a high school in the town of Jeffersonville, and to constitute said town and the county for three miles around the same a sub-school district, and for other purposes.

Joint resolution directing a distribution of the new Code when published.

Joint resolution expressing the sense of the general assembly of Virginia on the state of public affairs in Louisiana.

An act to amend section 86 of the act of 19th March, 1872, in relation to vacancies in office.

An act requiring the consent of the town council of Marion, in Smythe county, to secure license to sell liquors in the town of Marion.

Joint resolution in relation to the sale of the state's interest in the Richmond and Danville railroad company or other internal improvement companies in the state.

An act to provide for placing on the commissioners' books the lands in the commonwealth, and to amend sections 2, 18, 20, 25 and 28 of chapter 37 (Code of 1860), in relation to the sales of forfeited and delinquent lands, and for other purposes.

An act for the protection of fish in the middle fork of Holston river, Smyth county.

An act to amend and re-enact the act approved March 21st, 1872, to fix the times for holding the circuit courts of the state.

An act to amend the charter of the Atlantic, Chesapeake and Ohio transportation and towing company.

An act to secure advances for agricultural purposes.

An act to incorporate the New York, Norfolk and Charleston railway company.

An act to amend and re-enact section 75 of chapter 230 of the acts of 1871-'72, as to duties and compensation of certain township officers, approved July 11th, 1872, and acts amendatory thereof.

An act to authorize the district school boards of Wythe and Bedford counties to apply unexpended district funds to the payment of teachers' salaries.

An act to authorize the Fredericksburg, Orange and Charlottesville railroad company to create a new and first mortgage on its property and franchises.

An act to incorporate the town of Chase City in the county of Mecklenburg.

Joint resolution in relation to appointment of commissioners to ascertain and define the boundary line between Virginia and West Virginia.

An act providing for the pay of city and corporation judges.

An act to amend and re-enact section 17 of chapter 161 of the Code, in relation to proceeding where there is a garnishee.

An act in relation to the interest on money or other thing.

An act appropriating a sum of money to replace Houdon's statue of Washington in the rotunda of the capitol.

An act to empower the board of supervisors of Chesterfield county to erect a fence on and change the line of the district in which the act passed January 26th, 1866, commonly called the fence law, is in force.

An act to authorize the board of public works to sell the state's interest in the Lynchburg and Salem turnpike.

An act to authorize the board of supervisors of the several counties to appoint a physician and nurse to attend the poor, and to regulate their compensation.

Joint resolution proposing amendments to sections 1, 2, 3 and 4 of the 7th article of the constitution of this commonwealth in relation to county organization, for publishing said amendments and certifying the same to the next general assembly.

An act to amend and re-enact an act passed December 19th, 1866, entitled an act authorizing the Southwestern Virginia mining, smelting and transportation company to construct a railroad from King's salt works to a point on the Virginia and Tennessee railroad at or near Dublin.

An act to amend and re-enact sections 15, 16 and 17 of chapter 37 of the Code, with reference to sales of lands for taxes.

An act to amend and re-enact section one of an act passed February 2nd, 1865, entitled an act to authorize express and other transportation companies to sell unclaimed freight.

An act to amend and re-enact chapter 281, act of 1866-'67, and chapter 252, acts of 1869-'70, in relation to the Clinch river navigation company, and for other purposes.

An act to incorporate the Agricultural and Industrial Association of Alexandria, Virginia.

An act for the relief of Sarah F. Gayle, of the city of Portsmouth.

An act to amend an act entitled an act increasing the powers of the trustees of the town of Falmouth, in the county of Stafford, passed February 18th, 1830.

An act to incorporate land companies in the respective counties in the state of Virginia.

An act to amend and re-enact section 33 of chapter 184 of the Code of Virginia (edition of 1860), and to provide for a more economical mode of transportation of convicts to the penitentiary.

An act to incorporate the Augusta Paper Mill company..

An act to amend and re-enact the second section of an act approved March 22d, 1871, entitled an act to incorporate the town of Blacksburg in the county of Montgomery.

An act to amend and re-enact section 5 of chapter 192 of the Code of 1860, in relation to offences against property, so as to punish more rigorously in certain cases the crime of arson.

An act to authorize revocation of subscriptions to the Valley railroad company, and the transfer of the same on certain conditions.

An act to amend and re-enact sections 6, 10 and 11 of an act approved the 5th day of February, 1873, entitled an act to incorporate the Richmond building and improvement company, and to repeal the 5th section of said act.

An act to authorize the board of supervisors for Craig county to contract for keeping in repair so much of Price's turnpike road as lies in said county.

An act to establish and incorporate the Tazewell county agricultural and mechanical society, and to appoint a police for the same.

An act to incorporate the Boston wharf and warehouse company of Norfolk.

An act to allow judges of certain corporation or hustings courts to practice law.

An act to amend and re-enact section 2 of chapter 80 of the Code of 1860, in relation to funds from gifts, grants, devises and bequests.

An act to incorporate the Virginia mining and improvement company.

An act to amend and re-enact sections 5 and 7 of an act to regulate and define the jurisdiction of the county and circuit courts, to prescribe the number of terms of the circuit courts, and to fix the pay of county judges.

An act to amend and re-enact the first, second, third, fourth and eighth sections of an act entitled an act to amend the charter of the Richmond and Lynchburg railroad company, approved July 11th, 1870, so as to change the name of the said company, and extend the time within which it may commence and complete said railroad.

An act for the protection of fish in Jackson's and Cowpasture rivers and their tributaries from the junction of said rivers to the boundary line between the counties of Bath and Highland.

An act providing for the sale of certain estate devised and bequeathed by Wm. A. Christian, deceased.

Joint resolution expressing the concurrence of the general assembly in the governor's recommendation of the assumption of the debts of the several states by the federal government.

An act to amend and re-enact section seventeen of an act approved March 21, 1871, entitled an act to amend and re-enact an act entitled an act to incorporate the town of Liberty in the county of Bedford, and to add to said charter sections 24, 25, 26, 27 and 28.

An act to amend the first, fourth and seventh sections of an act entitled an act to incorporate the Burkeville, Lunenburg and Mecklenburg railroad company, approved November 5th, 1870.

An act to amend and re-enact an act entitled an act to authorize the Washington City, Virginia, Midland and Great Southern railroad company to acquire and sell lands, approved February 15, 1873.

An act to authorize the Leesburg and Aldie turnpike company to issue preferred stock.

An act to authorize the trustees of the parsonage property for Atlantic circuit, Methodist Episcopal church south, to sell the same.

An act for the relief of William P. Bogle, Elias Harman and Franklin G. Helyey.

An act to authorize the circuit court of the county of Pulaski to decree and confirm a sale of certain real estate of Mrs. S. McG. Buford and children.

An act to amend and re-enact section one of an act entitled an act to provide for a new charter for the town of Charlottesville, approved March 28th, 1871.

An act providing for working and keeping in proper repair the roads of Fauquier county.

An act to amend and re-enact section 8, chapter 186 of the Code of Virginia, as amended and re-enacted by chapter 175 of the session's acts of 1871-'72, in regard to judgment liens.

An act to make James river a lawful fence in the county of Amherst.

An act incorporating the Rappahannock and Hanover Junction railroad company.

A joint resolution authorizing the governor to appoint commissioners from Virginia to the Vienna exposition.

An act to amend and re-enact section 3, chapter 48, Code of 1860, as amended by an act approved March 18th, 1872, in relation to the compensation of justices of the peace.

An act for the relief of the sureties of John Thompson, late sheriff of Tazewell county.

An act to repeal and re-enact an act passed April 3rd, 1839, incorporating the Pearisburg academy association.

An act to incorporate the Richmond Hebrew benevolent society.

An act to amend and re-enact an act passed March 14, 1860, entitled an act to incorporate the Branch coal mining company.

An act to incorporate the Oakland institute at Doe Hill, Highland county, Virginia.

An act to incorporate the Rockbridge macadamized road company.

An act to provide for the removal of certain criminal causes from the county court to the circuit court.

An act to authorize the trustees of Lodge No. 1,303, Grand United Order of Odd Fellows, to execute a deed of trust.

An act to change and define the corporate limits of the town of Stanardsville, in the county of Greene, and for other purposes.

An act to amend and re-enact the 5th section of chapter 301 of an act approved March 26th, 1872, entitled an act to incorporate the Shaws-ville, Jacksonville, Taylorsville and North Carolina railroad company.

An act appropriating a sum of money for the protection of the Eastern lunatic asylum from destruction by fire.

An act to amend section 18, chapter 86, Code of 1860, in relation to the vaccine agent of the state.

An act to authorize the supervisors of Northampton county to erect guide boards or posts on the public roads marking the lines of election precincts.

An act to amend the title of an act approved March 19th, 1873, entitled an act to amend and re-enact sections 6, 14 and 27 of an act providing a charter for the city of Norfolk, in force March 16th, 1871, as amended by an act in force March 4th, 1872.

An act for the relief of Joel L. Walker, administrator of the estate of David Bruce.

An act to amend and re-enact the charter of the town of Salem in the county of Roanoke.

An act to incorporate the trustees of the Grand Lodge of the Independent Order of Odd Fellows of the state of Virginia.

An act to incorporate the Farmers' and Mechanics' benevolent fire insurance association of the counties of Roanoke and Botetourt.

An act authorizing the board of supervisors of Elizabeth City county to borrow money to rebuild the courthouse of said county destroyed by fire during the late war.

An act to incorporate the Brocks Gap, Hardy and Hampshire railroad company.

An act for the preservation of oysters and to obtain revenue for the privilege of taking them within the waters of the commonwealth.

An act in relation to the records of Alexandria county.

An act to amend and re-enact the 7th section of the 170th chapter of the Code of 1860, in relation to the service of process or notice to a corporation.

An act to authorize the county court of Norfolk county to appoint commissioners to divide the roads of the various townships in said county into convenient road districts, and to contract annually for keeping in repair the public roads in said county.

An act to amend the first section of an act approved March 25th, 1871, entitled an act to amend and re-enact the first and second sections of an act passed February 3rd, 1866, entitled an act to require a deposit of securities to be made by foreign insurance companies doing business in this state.

An act to incorporate the Woodstock and Lost River turnpike company.

An act to authorize the town of Manchester to construct a free bridge over James river.

An act to amend and re-enact an act entitled an act to provide for a redision of the county of Fairfax into townships.

An act to incorporate the Danville and New River narrow gauge railroad.

An act authorizing the board of education to fund the bonds of Virginia belonging to the literary fund.

An act to authorize the county court of Stafford county to appoint commissioners to re-arrange the boundaries of the fence law in said county.

An act to amend sections four and five of an act of the general assembly, approved March 6th, 1871, entitled an act to incorporate the town of Dublin in the county of Pulaski.

An act to amend the 58th section of the act passed at the present session of the general assembly, entitled an act for the preservation of oysters, and to obtain a revenue for the privilege of taking them within the waters of the commonwealth.

An act to provide compensation to the sheriff of the city of Richmond for attending the special court of appeals, the circuit court of the city of Richmond, and the chancery court of the city of Richmond.

An act to authorize the common council of Petersburg to issue bonds to the amount of \$150,000 for the purpose of paying off the indebtedness of said city.

An act to amend and re-enact an act entitled an act for the protection of fish in the Roanoke river west of the Bedford line, in force March 20th, 1872.

An act to prohibit the receiving of coupons for all portions of the public revenue set apart by the constitution for public free school purposes and for the permanent literary fund.

An act to authorize the city of Richmond to contribute to the building of a railroad from Keysville to Clarksville.

An act to authorize the corporate authorities of the town of Liberty to borrow money.

An act to amend the charter of the city of Richmond.

An act to incorporate the Manchester railway and land improvement company.

An act to amend and re-enact an act approved March 13th, 1872, entitled an act for the relief of the late sheriff of Pittsylvania county.

An act authorizing the rector and board of visitors of the University of Virginia to expend a certain sum of money.

An act to incorporate the Danville and Franklin railroad company.

An act to authorize the county of Surry to borrow money to rebuild the jail recently destroyed by fire.

An act declaring certain parts of the Chickahominy river a public highway.

An act to authorize the trustees of Main Street Methodist Episcopal church south, in Danville, to borrow money.

An act to amend and re-enact the fifth section of an act entitled an act to amend the charter of the town of Christiansburg, and extending the limits of the same.

An act authorizing the trustees of the First Methodist Episcopal church of Richmond, Virginia, to execute deeds of trust.

An act to amend the 39th section of chapter 441 of the acts of 1869-'70, in relation to commissioner of roads.

An act to amend and re-enact section 26 of chapter 57, Code of 1860, in relation to certificates of stock.

An act for the encouragement of immigration.

An act to establish the seals and flags of the commonwealth.

Mr. Hundley moved that the Senate do now adjourn, and the question being put, was determined in the affirmative.

Lieut.-Governor Marye, in response to the resolution adopted by the Senate complimentary of him, made an eloquent and feeling address, and then announced that the Senate stood adjourned until January 1st, 1874.

MEMBERS OF SENATE

Who served during the session commencing on the first Wednesday in December, 1872, and terminating
on the 2d day of April, 1873.

Lieutenant-Governor JOHN L. MARYE, JR., President, *ex officio*, Fredericksburg.
HENRY W. THOMAS, President, *pro tempore*, Fairfax.

No.	DISTRICTS.	SENATORS.	POST OFFICES.
26	Pittsylvania.....	ANER ANDERSON.....	Danville.
37	Brockbridge, Highland, and Bath.....	WILLIAM A. ANDERSON.....	Lexington.
22	Albemarle and Greene.....	ROBERT S. BRAZLEY.....	Stanardsville, Greene county.
22	Nansemond, Isle of Wight, and } Southampton.....	SAMUEL H. BOYKIN.....	Suffolk, Nansemond.
16	Augusta.....	ALEXANDER B. COCHRAN.....	Staunton, Augusta county.
7	City of Richmond and county of } Henrico.....	JOHN K. CONNALLY.....	Richmond city.
25	Nelson and Amherst.....	THOMAS P. FITZPATRICK.....	Arlington, Nelson county.
39	Giles, Pulaski, Bland, and Tazewell.....	JAMES M. FRENCH.....	Bland Courthouse.
8	Nottoway, Lunenburg, and Bruns- } wick.....	GEORGE W. GRAHAM.....	Burkeville, Nottoway county
9	City of Petersburg, and counties of } Prince George and Surry.....	ROSCOE G. GREENE.....	Petersburg.
40	Washington and Smyth.....	JAMES S. GREEVER.....	Seven Mile Ford, Smyth county.
2	Orange, Culpeper, and Madison.....	DANIEL A. GRIMESLEY.....	Culpeper Courthouse.
22	Stafford, Spotsylvania, and Louisa.....	CHARLES HERNDON.....	Fredericksburg.
7	City of Richmond and county of } Henrico.....	ALEXANDER Q. HOLLADAY.....	Richmond city.
3	Fluvanna, Buckingham, and Appo- } mattox.....	GEORGE J. HUNDLEY.....	Buckingham Courthouse.
35	Accomac and Northampton.....	ABEL T. JOHNSON.....	Accomac Courthouse.
5	Campbell.....	THOMAS J. KIRKPATRICK.....	Lynchburg.
17	Alleghany, Roanoke, Botetourt, and } Craig.....	WILLIAM M. LACKLAND.....	Fincastle, Botetourt county.
30	Charlotte and Mecklenburg.....	ALBERT P. LATHEROP.....	Clarkesville, Mecklenburg county.
29	King George, Westmoreland, Rich- } mond, Northumberland, and Lan- } caster.....	MERRIWETHER LEWIS.....	Litwalton, Lancaster county.
31	Chesterfield, Goochland, and Pow- } hatan.....	WILLIAM T. MARTIN.....	Manchester, Chesterfield county.
13	Essex, King & Queen, and King } William.....	EDMUND W. MASSEY.....	West Point, King William county.
15	Shenandoah and Page.....	GILBERT S. MEEM.....	Mount Jackson, Shenandoah county.
28	Charles City, James City, York, } Warwick, and Elizabeth City.....	DANIEL M. NORTON.....	Yorktown, York county.
18	Carroll, Grayson, and Wythe.....	ABNER W. C. NOWLIN.....	Hillsville, Carroll county.
6	Halifax.....	HARMON D. NUTTING.....	Halifax Courthouse.
4	Franklin and Henry.....	JAMES PATTERSON.....	Rocky Mount, Franklin county.
38	Montgomery, Floyd, and Patrick.....	JOHN E. PENN.....	Patrick Courthouse.
34	New Kent, Gloucester, Mathews, } and Middlesex.....	WILLIAM K. PERRIN.....	Gloucester Courthouse.
19	Lee, Wise, and Buchanan.....	AUBURN L. PRIDEMORE.....	Jonesville, Lee county.
12	Hanover and Caroline.....	WILLIAM D. QUENSENBERRY.....	Newtown, King & Queen county.
21	Fauquier and Rappahannock.....	*BENJAMIN F. RIXET.....	Salem, Fauquier county.
11	Norfolk county and city of Ports- } mouth.....	MATTHEW P. RUE.....	Norfolk city.
24	Amelia, Cumberland, and Prince } Edward.....	JOHN ROBINSON.....	Deatonville, Amelia county.
36	Rockingham.....	JOHN E. ROLLER.....	Harrisonburg, Rockingham county.
20	Scott and Russell.....	JOHN H. A. SMITH.....	Lebanon, Russell county.
10	Dinwiddie, Greensville, and Sussex.....	WILLIAM N. STEVENS.....	Stony Creek, Sussex county.
1	Loudoun, Alexandria, Fairfax, and } Prince William.....	THOMAS E. TAYLOR.....	Lincoln, Loudoun county.
33	Norfolk city and county of Princess } Anne.....	WALTER H. TAYLOR.....	Norfolk city.
27	Bedford.....	WILLIAM R. TERRY.....	Liberty, Bedford county.
1	Loudoun, Alexandria, Fairfax, and } Prince William.....	HENRY W. THOMAS.....	Fairfax Courthouse.
14	Frederick, Clarke, and Warren.....	GEORGE W. WARD.....	Winchester, Frederick county.
7	City of Richmond and county of } Henrico.....	THOMAS H. WYNNE.....	Richmond city.

* Elected to fill vacancy occasioned by the resignation of Thomas N. Latham.

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SENATE DOC. No. 1.

DOCUMENTS

ACCOMPANYING AND REFERRED TO IN THE

GOVERNOR'S MESSAGE.

REPORT.

LIBRARY ROOM, STATE CAPITOL,

NOVEMBER 29, 1872.

His Excellency, GILBERT C. WALKER,

Governor of Virginia:

SIR:

In accordance with the provisions of an act of the General Assembly, dated February 7th, 1872, giving authority to take charge of, assort, index and prepare for preservation the manuscripts in the State Library, I have the honor to report that, on the day after the passage of the bill, the work was begun. Upon inspection, the documentary matter in the upper rooms of the Capitol was found to be a confused mass of papers, maps, and bound records of early date, scattered about in alternate bundles and heaps. This state of things was the result of the occupation of the building by the Federal forces immediately after the fall of Richmond, when the repository for these records was invaded and its contents over-hauled. No provision having been made by the State since that time to remedy the evil, they have continued in this condition. Many years ago Gen. Wm. H. Richardson had, with great care, arranged these papers in bundles, bound up in cord, lettered and labelled, and much has thereby been preserved which probably would have been lost. But the method adopted by him was necessarily insecure. This has since been abundantly proved to be true. The ill effects of a policy as unwise as it was liberal on the part of the State, in the too easy access allowed, before the late war, to the public, and to those whose special employments attracted them to the scrutiny and use of those papers, have become painfully apparent. As the examination progressed, it was found that the bundles had been opened, inspected and robbed. When not thus mutilated, their chronological sequence had been so entirely destroyed, that a large majority of the packages were found to contain documents separated from each other in date by centuries. In addition to this, the frequent and repeated handling, the untying and tying up again, of papers so arranged, has well nigh worn out a great number of those most ancient and valuable. More than this: it is a source of more than ordinary regret, that quantities of empty wrappers have been found endorsed as having once contained certain papers, letters and other documents, the very recognition of whose titles at once suggested their historical value. Thus it is that valuable and rare records of the colonial period of our history have gone to add to the collections of amateur antiquarians, or to enrich the show-cases of foreign historical societies. The prodding industry of relic-hunters, autograph collectors and others, has not been idle in adding to these depredations. Amongst the most conspicuous, on the lists of the missing, may be found numerous original grants from the Crown, Royal Autographs of the English Kings and Queens; of their Secretaries—Lunderland, Walsingham, Bolingbroke, Godolphin, Addison and others. The writer well recollects to have seen many of these, when now but few are to be found. To these losses may be added manuscript narratives, giving graphic accounts of the struggles of the Virginia pioneers with the

Indians, in the turbulent and bloody days of the Western frontiers, written by those who themselves had taken part in these scenes. Of a still later date may be mentioned original letters of Washington, Henry, Jefferson, Madison and others, and a long list of documents belonging to the period of the Revolution of 1776. It is proper to state in this connection, that during the disjointed times immediately succeeding the fall of the Southern Confederacy, this department did not escape the eye of the plunderers who generally hang upon the rear of invading armies. There is good reason to believe very many of these valuable papers were carried off about this time. But with all this a considerable number yet remain worthy of protection from the inroads of time or the cupidity of man.

As stated above, those remaining were found in such confusion that, to bring order out of chaos, it became necessary first to examine carefully every bundle and parcel, and then to inspect each several paper, establish its chronological relations, and place it accordingly. This process has been tedious, but it has been the only way by which a satisfactory arrangement could be made. From the year 1654, the date of the earliest paper found, down to the year 1804, inclusive, this part of the work has been completed.

During the prosecution of the work, the question arose as to the best method of *preserving* these papers, and consequently the historical matter they contain. An index of unrecorded documents, though never so well arranged, it was seen, could not entirely carry out the objects of the bill passed by the Legislature; and for several reasons. Most of the earlier papers, and even parchments, are now so frail and perishable, that they require the most careful manipulation, and on this account should never be handled except for imperative reasons. Those of a more modern date, in due time, must undergo the same decay, especially if left exposed to the risks and usage to which their predecessors have been subjected. In addition to this, the practical application of an index to documents, secured never so well, whether in bundles, brochures, or mounted in pamphlet form, would be almost impossible. Every occasion for reference to them would necessarily increase the risks, not only of disturbing their chronological sequence, but of the destruction of the papers themselves. The loss of a single valuable document would thus destroy the integrity of such an arrangement.

Under these circumstances, it was considered necessary to prepare a calendar, in which should be recorded in full such documents as were thought worthy thus to be preserved, and to embody the subject-matter of others in as condensed a form as should express their contents. This calendar has therefore been prepared, its chronology properly and accurately arranged, and accompanied with marginal and other notes explanatory of the subjects therein contained. It embraces a period included between the years 1654 and September, 1872, and occupies several hundred pages of manuscript. When the work shall have been completed, or sufficiently far advanced to require it, an index is to be prepared.

In its present form, this manuscript is as perishable as the papers from which it has been compiled, and differs from them merely in being a more connected record, and in maintaining their chronological sequence. For this reason it is respectfully suggested that the most proper mode of carrying out the intent of the Legislature (that is to preserve) will be, to cause to be printed and bound what has been already prepared. This done, the loss of the entire mass of the papers from which it shall have been compiled, though serious in itself, would not be irreparable. This plan has been adopted in the State Department of England, where are now preserved the bound series of much of the colonial history of Virginia. Most of the States in our

own country have caused to be printed and published their entire records; and so full are many of these publications, that they now afford an imposing array of volumes on the shelves of our State Library. The importance of a work like this does not consist, as many suppose, in preserving only what is ancient, and on this account considered the most valuable. True as this may be, the unrecorded present, and comparatively recent, is hourly becoming history. With the lapse of time its value increases, and if not preserved, the danger is, its events will either assume the shadowy form of tradition or be entirely lost. More might be said in this connection to fortify the views already expressed. Reference at greater length might properly be made to the losses already sustained, by a too long neglect on the part of the State to put her records in a more enduring form. The value of such a calendar as is herein contemplated, as a source of information and reference to one who should undertake to compile the annals of the Commonwealth, or add to her now incomplete history, might be suggested. But it does not belong to the objects of a mere report to dwell upon these things. A resume of what has been found and embodied in the work, as far as it has gone, might consistently be made here; but such references should more appropriately be reserved for another place, where the most insignificant, as well as the most prominent items may claim their relative importance.

In bringing this report to a close, it will not be inappropriate to put upon record here, the action of the Executive Committee of the State Historical Society on this subject. At a meeting of that Committee held Nov. 17th, 1871, on motion of Thos. H. Wynne, Esq., a committee was appointed to prepare a memorial to the Legislature, "in behalf of the objects of the Society," and "to wait upon the Governor and invoke his co-operation." At a subsequent meeting Mr. Wynne, on behalf of the Committee, reported the duty as performed, and "that the prospects of success were favorable." This Committee were then *instructed* to prepare, and submit to the General Assembly, an act for the furtherance of the objects of the society, one of the chief of these being to rescue from their insecure condition the records of the State. These had frequently been a subject of anxious consideration at the meetings of the Executive Committee. The result of this action was the introduction, passage and subsequent approval by the Executive of the bill under which this report is made. Should any merit in the future be found to attach to the subject of which it speaks, the Historical Society will not have struggled in vain, in accomplishing something for a State that should at this time contain more of historical value within her borders, than any other of the American Commonwealth, but which, it is to be feared, is irretrievably lost to her from a failure to secure it at a proper time. In bringing the work authorized by the Legislature to its present point of progress, it affords the writer the pleasure to say, he has had from the beginning the intelligent and efficient aid of Col. Sherwin McCrae of this city.

All of which is respectfully submitted.

WM. P. PALMER.

AMENDMENT TO THE USURY LAWS.

PROCLAMATION OF THE GOVERNOR.

The Executive having received from the Secretary of the Commonwealth an official copy of the certified statement made by the Board of State Canvassers at their meeting the 2d day of August, 1872, showing the whole number of votes given at the election held on the fourth Thursday in May last on the question of striking out or not striking out the Usury clauses in the Constitution, doth hereby, in obedience to law, make proclamation that there were cast—

For striking out the Usury clause in the constitution: Forty thousand one hundred and sixty-six (40,166) votes.

Against striking out the Usury clause in the Constitution: Twenty-one thousand three hundred and twenty-six (21,826) votes.

And it appearing that the proposed amendment to the Constitution (which is hereto annexed) has been approved and ratified by the people, in the manner prescribed in the Constitution, the same is valid and of effect.

Given under my hand as Governor, and under the Lesser seal of the Commonwealth, at Richmond, this 10th day of August, in the year of our Lord 1872,
and of the Commonwealth, the 97th.

G. C. WALKER.

By the Governor:

JAMES McDONALD,

Secretary of the Commonwealth.

AMENDMENT.

Strike out from the Constitution of the State of Virginia the clause in reference to Usury, which is in these words:

"**USURY.**—Upon debts hereafter contracted it shall be lawful to receive any rate of interest not exceeding twelve per centum per annum, which may be agreed upon by the parties, and be specified in the bond, note, or other writing evidencing the debt. When there is no such agreement the rate of interest shall be six per centum per annum for the use and forbearance of every hundred dollars.

AN ACT to Provide for Submission to the People of the Proposed Amendment to the Constitution of Virginia in Relation to the Clause in respect to and entitled "Usury." In Force March 19, 1872.

1. Be it enacted by the General Assembly, That it shall be the duty of the officers conducting the election directed by law, to be held on the fourth Thursday in May next, at the places appointed for holding the same, to open a poll to take the sense of the qualified voters of this Commonwealth upon the ratification or rejection of the amendment to the Constitution of Virginia contained in joint resolutions

agreeing to an amendment to the Constitution of Virginia, in relation to the clause in respect to and entitled Usury, and directing a submission of said proposed amendments to the people for their approval and ratification, in force January twenty-second, eighteen hundred and seventy-two, viz: Strike out from the Constitution of the State of Virginia the clause in reference to Usury, which is in the following words:

“USURY.”

“Upon debts hereafter contracted it shall be lawful to receive any rate of interest, not exceeding twelve per centum per annum, which may be agreed upon by the parties and be specified in the bond, note or other writing evidencing the debt. When there is no such agreement, the rate of interest shall be six per centum per annum, for the use and forbearance of every hundred dollars.”

2. At such election each of said voters who shall approve said amendment, shall deposit a ticket or ballot on which shall be written or printed the words, “For striking out the Usury clause in the Constitution;” and each of said voters who shall be opposed to said amendment shall deposit a ticket or ballot on which shall be written or printed the words, “Against striking out the Usury clause in the Constitution.”

3. That immediately after closing the polls the said officers shall count the ballots deposited at said election for and against said proposed amendment, and shall make return thereof at the time and in the manner provided by law, as in the case of other elections; and it shall be the duty of the clerks and commissioners of election of each county respectively to make out, certify and forward an abstract of the votes cast for and against said proposed amendment in the manner now prescribed by law in relation to votes cast in general elections.

4. It shall be the duty of the Secretary of the Commonwealth and of the State Board of Canvassers to open and canvass the said abstract of returns, and to examine and make statement of the whole number of votes given at said election for said proposed amendment, and against said proposed amendment, respectively, in the manner now prescribed by law in relation to votes cast in general elections; and it shall be the duty of the Secretary of the Commonwealth to record said certified statement in his office, and without delay to make out and transmit to the Governor of the Commonwealth an official copy of said statement, certified by him under his seal of office.

5. The Governor shall, without delay, make proclamation of the result, stating therein the aggregate vote for and against the amendment, to be published in such newspapers in the State as may be deemed requisite for general information; and if a majority of said votes be cast for the ratification of the said amendment, he shall annex to his proclamation a copy thereof, together with a copy of this act.

6. The Secretary of the Commonwealth shall cause to be sent to the clerks of each county and corporation as many copies of this act, and of the resolutions aforesaid, as there are places of voting therein; and it shall be the duty of said clerks to deliver the same to the sheriffs for distribution, whose duty it shall be forthwith to post the said copies at some public place in each election district.

7. The expenses incurred in conducting this election shall be defrayed as in the case of the election of member to the General Assembly.

8. This act shall be in force from its passage.

Richmond, August 22.

ABSTRACT
OF THE
RETURNS OF CLERKS OF COURTS
TO THE
CLERK OF THE HOUSE OF DELEGATES.

CLERK'S OFFICE HOUSE OF DELEGATES,
RICHMOND, December 4, 1872.

To the General Assembly of Virginia:

In conformity with the requirements of section 14, chapter 15 of the Code of Virginia (edition of 1860), I herewith respectfully submit a condensed abstract from the reports made to me by the clerks of the courts.

J. BELL BIGGER,
Clerk of the House of Delegates.

A B S T R A C T

*From the Reports of the Clerks of the Supreme Court of Appeals and Circuit Courts for the year ending 31st August, 1872,
exhibiting the State of Suits in their respective Courts.*

SUPREME COURT OF APPEALS.

JUDGES.	CLERKS.	LOCATION OF COURTS.	APPEALS, WRITS OF ERROR, AND SUPERIOR LAW.			DATE OF SESSION.
			No. Commenced.	No. Pending.	No. Decrees.	
R. C. L. Moncure.....	Geo. L. Christian.....	Richmond.....	119	324	264	
Jos. Christian.....	John Paris.....	Staunton.....	22	64	85	
W. R. Staples.....	.....	Wytheville.....			..	
F. T. Anderson.....					6	51
Wood Bouldin.					..	27
					124	81
						Note No. 1.

IN THE CHANCERY COURT CITY OF RICHMOND.

SUITS IN EQUITY.							DAYS OF SESSION.				
No. Commenced.	No. Pending.	No. of Interlocutory Decrees.	No. of Final Decrees.	No. removed from other Courts.	No. removed to other Courts.	Probate Orders.	October Term.	January Term.	April Term.	June Term.	Total.
172	790	797	98	..	..	192	45	48	28	82	148

CIRCUIT COURTS.

CIRCUIT COURTS—Continued.

JUDGES.	CLERKS.	COUNTIES.	ACTIONS AT LAW.	SUITS IN EQUITY.	PROSECUTIONS.	DATE OF SESS'N.	REMARKS.	
							Total.	Note No. 6.
9 Jas. M. Jeffries.....	Wm. S. Cralle.....	Lancaster.....	No. removed to other Courts.	No. removed to other Courts.	No. Final Decrees.	No. Intermediate Decrees.	Spring Term.	Intermittent or Special Term.
		Mathews.....	No. removed to other Courts.	No. removed to other Courts.	No. Final Decrees.	No. Intermediate Decrees.	Fall Term.	
		Middlesex.....	No. removed to other Courts.	No. removed to other Courts.	No. Final Decrees.	No. Intermediate Decrees.		
		Gloucester.....	No. removed to other Courts.	No. removed to other Courts.	No. Final Decrees.	No. Intermediate Decrees.		
		King William.....	No. removed to other Courts.	No. removed to other Courts.	No. Final Decrees.	No. Intermediate Decrees.		
		Essex.....	No. removed to other Courts.	No. removed to other Courts.	No. Final Decrees.	No. Intermediate Decrees.		
		King & Queen.....	No. removed to other Courts.	No. removed to other Courts.	No. Final Decrees.	No. Intermediate Decrees.		
		Total in circuit.....	11 7 19	8 105	71	7 1		
		Westmoreland						
		Spotsylvania.....						
		Caroline.....						
		Hanover.....						
		Stafford.....						
		King George.....						
		Richmond.....						
		Louisa.....						
		Total in circuit.....	9 32 17	5 207	41	8 1		
		Loudoun.....						
		Fauquier.....						
		Fairfax.....						
		Prince William.....						
		Rappahannock.....						
10 Wm. S. Barton.....								
		Jno. R. Taylor.....						
		Jno. C. Ticehurst.....						
		L. D. Warner.....						
		Jesse J. Porter.....						
11 James Keith.....		Jno. S. Byrne.....	62 84 147	8 19	183	46 1	7 -	1 1
		F. D. Richardson.....	18 47	26 1	4	19,292	121	13 1 11

2	Bo. H. Turner... Ewell Baker...	Wm. McLaughlin. Wm. H. McDonald... J. C. Mathews... J. R. Pharr...	Alexandria..... Total in circuit..... Frederick..... Clarke..... Warren..... Page..... Shenandoah..... Rockingham..... Total in circuit..... Augusta..... Bridgeport..... Bath..... Highland..... Alleghany..... Total in circuit..... Botetourt..... Roanoke..... Montgomery..... Flord..... Giles..... Cragg..... Total in circuit..... Alex'r Mahood... R. D. Gardner..... Jno. H. Fulton... Levis T. Cosby..... Smyth..... Washington..... Lee..... Scott..... Wise..... Russell..... Buchanan..... Total in circuit.....				
3			76	131	9	8	36
			76	173	9	8	739
			550	74	12	15	
			550	74	12	15	
			..	..	..	..	50
			..	..	..	..	20
			..	..	..	..	21
			..	..	..	..	9
			..	..	..	..	50
4			9	15	10	..	4
			9	15	10	..	59
			..	..	..	..	5
			..	..	..	..	5
			..	..	..	..	11
			..	..	..	..	3
			..	..	..	..	4
			..	..	..	..	11
5	Jno. H. Kelly...		9	15	10	..	4
			9	15	10	..	59
			..	..	..	..	5
			..	..	..	..	5
			..	..	..	..	11
			..	..	..	..	3
			..	..	..	..	4
			..	..	..	..	11
6	Jno. H. Kelly...		69	171	65	..	46
			69	171	65	..	366
			..	..	..	..	30
			..	..	..	..	1
			..	..	..	..	3
			..	..	..	..	12
			..	..	..	..	12
			..	..	..	..	24
			..	..	..	..	12
			..	..	..	..	12
			..	..	..	..	24

RECAPITULATION.

Circuit Superior Court of Law and Chancery—Number of Suits, &c., in each Circuit 31st August, 1872.

JUDGES.	No. of Cases in each Circuit.	Cases in each Circuit And Decided.	No. Pending.	No. Commenced.	No. removed from other Courts.	No. removed to other Courts.	No. Final Decree.	No. Interlocutory De- cree.	No. removed from other Courts.	removed to other Courts.	Pending.	Decided.	Nolle Prosequi.	Charges of venue to the Courts.	Charges of venue from the Courts.	Full Term.	Spring Term.	Intermediate or Special Terms.	Total.		
1 Geo. Blow, Jr.....	28	91	98	2	4	14	148	100	67	4	83	...	2	19	17	...	36	...	86		
2 S. S. Waisinger.....	88	68	62	1	2	11	288	128	28	3	5	...	4	14	10	...	24	...	24		
3 Ass. D. Dickinson....	84	101	181	1	1	81	471	348	121	3	...	8	1	2	1	22	19	...	41		
4 Wm. M. Tredway....	188	267	178	87	10	71	491	266	169	13	16	...	1	2	1	24	20	...	44		
5 G. A. Wingfield....	11	38	30	...	2	1	9	17	90	47	8	2	...	...	5	4	5	...	9
6 Henry Shaefford....	88	67	26	2	1	9	158	80	4	1	4	...	8	8	...	...	5	6	11
7 B. R. Wellford, Jr.	650	402	687	2	1	8	16	17	7	1	109	66	16	190	
8 G. T. Garrison.....	10	12	18	2	2	9	59	46	12	1	2	...	...	...	...	5	9	...	14
9 J. M. Jeffries.....	11	7	19	...	8	1	105	71	7	1	...	...	...	...	...	4	5	...	9
10 Wm. S. Barton....	24	108	49	1	3	19	530	183	46	1	7	...	1	1	1	...	14	14	28		
11 Jas. Keith.....	76	181	178	9	8	86	789	650	74	12	16	20	21	9	60	
12 Ro. H. Turner.....	9	15	10	...	4	4	59	5	...	1	8	4	4	11	
13 Wm. McLaughlin..	188	67	202	6	1	18	268	178	48	9	11	...	20	
14 Alex. Mahood.	6	6	
15 Jno. H. Fulton....	6	8	6	...	...	...	...	19	18	4	2	4	8	...	...	8	8	...	6
16 Jno. H. Kelly.....	69	171	65	46	866	...	90	1	8	12	12	...	24	
	1808	1518	1744	68	32	350	3801	2087	610	45	90	11	11	12	4	4	1	263	220	34	617

Judgments at law, 1,744; interlocutory decrees, 2,087; final decrees, 610—total decisions from which appeals may be had, 4,391.

J. BELL BIGGER,
Clerk of the House of Delegates.

REMARKS OF CLERKS.

SUPREME COURT OF APPEALS, RICHMOND, VA.

Note No. 1.—In addition to the number of cases decided by the supreme court of appeals, it has heard argued several other causes on the docket, and which are now in their hands for decision. It has also held terms of court at Wytheville and Staunton, as required by law, during this year.

Fifty causes were assigned to the special court of appeals, which meets here on the 1st July, 1872. *Twenty-four* of these fifty causes were disposed of by said special court, and six others were argued and submitted to it for decision.

CHANCERY COURT OF THE CITY OF RICHMOND.

Note No. 2.—The final decrees referred to in this report only embrace causes actually removed from the docket. Of the 797 interlocutory decrees, many are in fact final, and the causes only retained on the docket for matters of detail, such as payments of purchase money, &c. The number of days session are stated at 148, the number of days on which the court was formally opened, the open session being three days in each week (but the court is in reality almost constantly open), and decrees received by the clerk. In addition to the 797 interlocutory decrees, there have been 192 probate orders entered.

SECOND CIRCUIT.

Note No. 3—Greeneville.—A large quantity of the business comes before the county court, hence the small number of cases reported.

FOURTH CIRCUIT.

Note No. 4—Patrick—The case of murder is hard to get off of the docket. There are a large number of witnesses, and we have had three hung juries. In addition to what is stated above, there were eight appeals from the county court examined and decided.

SEVENTH CIRCUIT.

Note No. 5—Richmond City.—This circuit has other terms than the regular fall and spring terms in other circuits.

NINTH CIRCUIT.

Note No. 6—Northumberland.—*Actions at law*—In number of cases commenced is included a case previously dismissed and heretofore reported as decided. *Chancery*—In number commenced are included cases brought to August rules, 1872. *Interlocutory decrees* embrace all kinds of orders, leaves to file answers, continuances, &c., including one decree in vacation. The case removed to circuit court was from the county court of this county.

THIRTEENTH CIRCUIT.

Note No. 7—Highland.—Included in the numbers “decided” and “final decrees;” are all causes in said court, which were dismissed during the year.

COUNTIES AND CITIES FROM WHICH NO REPORT RECEIVED.**SUPREME COURT OF APPEALS AT WYTHEVILLE.**

First Circuit—Princess Anne, Nansemond, Isle of Wight, Surry, and City of Norfolk.

Second Circuit—Sussex, Dinwiddie, Nottoway, and Chesterfield.

Third Circuit—Amelia, Powhatan, Prince Edward, Buckingham, and Cumberland.

Fourth Circuit—Henry, Franklin, and town of Danville.

Fifth Circuit—Bedford, Campbell, Amherst, Nelson, and city of Lynchburg.

Sixth Circuit—Albemarle, Fluvanna, Culpeper, Goochland, Greene, and Orange.

Seventh Circuit—Henrico.

Eighth Circuit—Accomack, York, Elizabeth City, Warwick, James City, New Kent, and City of Williamsburg.

Ninth Circuit—Lancaster, Mathews, Middlesex, Gloucester, King William, Essex, and King & Queen.

Tenth Circuit—Westmoreland, Spotsylvania, Caroline, and King George.

Eleventh Circuit—Loudoun, Prince William, Rappahannock, and Alexandria.

Twelfth Circuit—Frederick, Clarke, Page, Shenandoah, and Rockingham.

Thirteenth Circuit—Augusta and Rockbridge.

Fourteenth Circuit—Botetourt, Roanoke, Montgomery, Floyd, Giles, and Craig.

Fifteenth Circuit—Carroll, Grayson, Wythe, Bland, and Tazewell.

Sixteenth Circuit—Smyth, Lee, Scott, Wise, Russell, and Buchanan.

SENATE DOC. No. III.

COMMUNICATION

FROM

Col. GEORGE W. MUNFORD,

Submitting for the acceptance of the General Assembly, if they deem it worthy of publication, his codification of the laws of the State.

RICHMOND, DECEMBER 10th, 1872.

To the Honorable

The General Assembly of Virginia :

GENTLEMEN :

While acting as secretary of the commonwealth in 1859-60, I prepared a second edition of the Code of Virginia, and the general assembly honored me so far as to provide for its publication, distribution and sale, and that edition has been in use to the present time. The entire change of the organic law since that period,—the revolution through which the commonwealth has passed,—the dissolution of her connection with the government of the United States by the ordinance of the secession convention,—her independent existence prior to her union with the government of the Confederate States,—her subsequent union with the government and the adoption of its constitution,—the continuation of the state government at Richmond during the whole war,—the successful establishment of the restored government for the state at Wheeling,—the action of its legislature and executive authorities there,—the ordinances and acts of the convention at Wheeling,—the organization of the state of West Virginia within the established boundaries of this state,—the assent of the restored government to the formation of the new state, and its final reception into the Union by the Congress of the United States recognizing the dismemberment of the state, and authorizing the representation of the new state in the senate and house of representatives,—the removal of the restored government from Wheeling to Alexandria,—the acts of the legislature there,—the assembling of a convention which adopted a new constitution for the government of the state under these auspices,—the resumption of the powers and functions of the restored government at the close of hostilities in the city of Richmond, sustained and supported by the Federal troops,—the subsequent destruction of that government under the reconstruction acts of congress, subjecting the state to military rule and authority as military district No. 1,—the permission given by congress to the state to form again a new constitution and the authority granted to elect members to a convention for that purpose,—the action of that convention by its ordinances and resolutions,—the submission of that constitution for approval to congress,—the proclamation of the president of the United States extending to the people the right to ratify or reject the constitution itself or specified clauses in that constitution,—the ratification of the constitution by the people, and the rejection of the two clauses submitted to them,—the approval of the constitution afterwards by congress upon condition of the adoption of the 14th and

15th amendments to the constitution and of certain other provisoes,—the final reception of senators and representatives from this state in congress,—and the of the general assembly since, to adapt the laws of the state to the new constitution, fundamentally changing the political and civil foundations and structure of the government, all combined, have rendered the laws so chaotic and conflicting in many instances, and produced such radical changes by amendment and repeal, that the citizens of the state find it impossible to know what the laws are under which they live, and it requires the deepest research and investigation of the bar and the judiciary to ascertain the law as it is, and then to construe it correctly and satisfactorily.

Under these circumstances I have again ventured to prepare another edition of the Code and I offer it to the general assembly for publication and distribution to the officers of government, for such remuneration as it may deem just.

I have encountered great difficulty in its preparation, and have spared neither time nor care in the work, my undivided aim having been to make it as correct as the materials at my disposal would justify.

I ask that it may be referred to the legal committees of the two houses of the general assembly for examination. All the chapters have been prepared. Some of them require amendment. The work forms a basis for action either by the committee or the general assembly, and if thus acted on and amended would obviate the necessity for a revision of the Code for many years.

I have prefaced the constitution as it now exists with an epitomized historical account of the revolution through which the state has passed, which I believe will be of great use in future, and have made many notes to other chapters, showing the changes made in the polity and government of the commonwealth. I have endeavored to do this without bias or prejudice.

I propose, if the general assembly shall deem the work worthy of publication, to insert in their proper places such amendments to the law, as may be adopted at the present session: and as an index cannot be properly made until the work is printed and passed, I propose to make such an index as will fully develop its contents.

Having but one copy of the work, I have thought it proper, with the highest respect for the senate, to transmit that copy to the house of delegates, the most numerous branch of the general assembly.

Most respectfully,

GEOERGE W. MUNFORD.

COMMUNICATION
FROM THE
BOARD OF PUBLIC WORKS
IN RESPONSE TO A
RESOLUTION OF THE SENATE
CALLING FOR INFORMATION IN REGARD TO THE
SALE OF THE STATE'S INTEREST
IN THE
Alexandria, Loudoun, and Hampshire Railroad.

RICHMOND, DECEMBER 9, 1872.

To the Honorable the President of the Senate:

SIR:

By direction of the Board of public works, I have the honor to hand you the enclosed response to the resolution agreed to by the senate December 7th, 1872, asking for information upon certain specified points touching the sale of the state's interest in the Alexandria, Loudoun, and Hampshire railroad. Please lay the same before the honorable body over which you preside.

Very respectfully,

Your obedient servant,

WM. D. COLEMAN,
Secretary.

COMMUNICATION.

RICHMOND, DECEMBER 9, 1872.

To the Senate:

In response to the resolution agreed to by the senate December 7th, 1872, requesting information upon certain specified points touching the sale of the state's interest in the Alexandria, Loudoun, and Hampshire railroad, the Board of public works have the honor to submit the following statement:

On the 26th of September, 1867, in accordance with the provisions of the act of assembly passed April 17th, 1867, entitled "An act disposing of the state's interest in the Alexandria, Loudoun, and Hampshire railroad on certain conditions," a proposition was submitted to the Board of public works by the authorities of the said railroad company for the purchase of the state's interest therein at the rate of five dollars per share, the par value of the state's interest being \$1,017,248, and the par value of each share being \$100. At the same time there was filed a certified copy of the proceedings of the stockholders of the said company in general meeting assembled, accepting the provisions of the act of assembly aforesaid, in accordance with the requirements of the fourth section of the said act. After mature consideration the Board of public works agreed to accept the said proposition upon condition that the said company should fully comply with the terms and requirements of the said act of assembly in relation to the said purchase, and upon the further condition, as additional security to the state, that the said company should agree and bind itself in the deed of trust to be given that the iron rails and other superstructure of the said road should not be taken up or removed from its place in the road, nor any of the company's rolling-stock removed from the track or from the possession of or control of said company until the bond to be given by said company for the said purchase should be fully paid; and in case of a forfeiture by said company under the provisions of such deed of trust, or of the act of assembly aforesaid, before the said railroad should be completed as far as Winchester, then the Board of public works should have the right to resume the absolute ownership, possession, and control of the stock sold as aforesaid, and thereafter to hold the same as fully as if no such sale had been made.

On the 15th of November, 1867, the forms of the bonds and deed of trust to be executed by the said railroad company in compliance with the act of assembly aforesaid and the order of the Board of public works, were submitted to the Board of public works, and, after due consideration, they were severally approved, and Francis L. Smith, of Alexandria, appointed trustee on behalf of the state, to co-operate with Reuben Johnson, who had theretofore by said company been appointed their trustee, in the execution of the said deed of trust.

On the 7th of December, 1867, three (3) bonds duly executed by the said railroad company for the purchase of the state's interest therein were submitted to the Board of public works, considered, accepted, and ordered to be filed. The first of said bonds was for the sum of \$16,954.14, payable five years after the 17th of April, 1867, or upon the completion of the said railroad from Leesburg to Winchester, should the

same be completed in less time than the said five years; the second for the sum of \$16,954.18, payable seven years after the 17th of April, 1867, or upon the completion of the said railroad from Winchester to the west side of the Little Cacapon river, should the same be completed in less time than the said seven years; and the third for the sum of \$16,954.18, payable ten years after the 17th of April, 1867, or upon the completion of the said railroad from the west side of the Little Cacapon river to a point in Hampshire county west of Paddytown, should the same be completed in less time than the said ten years. A copy of the deed of trust, duly executed by said railroad company in accordance with the requirements of the act of assembly aforesaid and of the order of the Board of public works, and duly recorded in the clerks' offices for the county courts, respectively, of Loudoun, Alexandria, and Fairfax counties, was also submitted, accepted, and ordered to be filed. And the said bonds and copy of the deed of trust are now in the possession of the Board of public works.

On the 29th of August, 1870, a communication from the authorities of the Alexandria, Loudoun, and Hampshire railroad company, stating that at a general meeting of the stockholders of said company they had accepted the provisions of the act of assembly approved March 29th, 1870, changing the route of the said railroad, and the name of the said company to "Washington and Ohio railroad company," was received by the Board of public works and ordered to be filed.

On the 17th of April, 1872, the first of the three bonds hereinbefore referred to became due and payable, but was not paid. The Board of public works had under consideration the steps to be taken to enforce the penalties of the non-payment, as provided in the deed of trust; and, pending that consideration, the president of the said company appeared and stated that the said company were not prepared, at that time, to pay the whole amount of the said bond, but were ready to pay \$1,500 as a partial payment, and would, in a short time, be prepared to pay the balance in full. The Board of public works ordered that the \$1,500 be received into the treasury to the credit of the sinking fund, in accordance with the provisions of the act of assembly, approved March 30, 1871, entitled "An act to provide for the funding and payment of the public debt." And being assured by the president of the said railroad company that the balance due would be speedily forthcoming, and all the requirements of the act of assembly authorizing the sale of the state's interest in said company speedily complied with, and deeming it unadvisable for the public interests to take summary proceedings against a corporation struggling to complete a work of internal improvement, when there were assurances that such summary proceedings were not really necessary for the protection of the interests of the commonwealth, the Board of public works agreed to accord the said railroad company the indulgence of the brief delay asked for.

In conclusion, the Board of public works deem it proper to state, that the assurances upon which they relied have not, in any wise, met their expectations, nor justified the indulgence granted, and they have determined at once to enforce the penalties prescribed in the aforesaid deed of trust.

Respectfully submitted,

By order of the board of public works,

WM. D. COLEMAN,
Secretary.

COMMUNICATION FROM THE TREASURER
IN RESPONSE TO A
RESOLUTION OF THE SENATE
CALLING FOR A STATEMENT
OF THE
MONTHLY BALANCES IN THE TREASURY
DEPOSITED IN THE BANKS

From 31st December, 1871, to 30th November, 1872.

RICHMOND, JANUARY 3, 1873.

Hon. JNO. L. MARYE,

President Senate:

SIR:

In response to a resolution of the senate, I submit herewith a statement of the monthly balances in the treasury, deposited with the several banks, from the 31st of December, 1871, to the 30th of November, 1872.

I have the honor to be,

Very respectfully,

JOS. MAYO, JR.

Treasurer, &c.

*STATEMENT of Monthly Balances in the Treasury from December 31, 1871,
to November 30, 1872.*

December 31st, 1871.....	1,844,984 36
January 31st, 1872.....	1,779,449 55
February 28th, 1872.....	1,677,349 61
March 31st, 1872.....	1,744,896 55
April 30th, 1872.....	1,457,275 00
May 31st, 1872.....	1,432,508 10
June 29th, 1872.....	1,895,771 97
July 31st, 1872.....	1,123,074 31
August 31st, 1872.....	1,066,109 31
September 30th, 1872.....	1,104,450 26
October 31st, 1872	1,049,847 82
November, 30th, 1872	\$1,021,896 00
<hr/>	
Average monthly balance.....	\$1,891,425 98
<hr/>	

N. B.—Of the above amounts \$28,180 50 were received in coupons at various times. The average balance therefore, in currency, with interest thereon, paid by the several depositories, would be \$1,889,500 11.

COMMUNICATION

FROM

THE BOARD OF EDUCATION

IN RESPONSE TO A

RESOLUTION OF THE SENATE CALLING FOR INFORMATION AS TO
THE AMOUNT REALIZED FROM THE SALE OF THE COL-
LEGE LAND SCRIP DONATED BY CONGRESS, &c.

OFFICE SUPERINTENDENT PUBLIC INSTRUCTION,
JANUARY 8TH, 1873.

To the Honorable Senate of Virginia:

The Board of Education begs leave to acknowledge the receipt of the following resolution :

"Resolved, That the Board of Education be requested to inform the Senate what amount in money has been realized from the sale of the College Land Scrip donated by Congress ; what sum has been, and what is yet to be paid, and when to be paid ; how the money received has been invested ; if in Virginia bonds, in what kind, and what amount of interest had accrued thereon ; prior to January 1st, 1873.

In response to this resolution, the Board of Education makes the following report, which embodies the information called for :

In obedience to an Act of General Assembly, approved February 2, 1872, the board duly advertised the educational land scrip, and received bids therefor up to the first day of May, 1872.

Quite a number of responsible parties made propositions, but the best offer, in the opinion of the board, was made by G. F. Lewis, of Cleveland, Ohio. The board made sale to Mr. Lewis, upon the following terms, to wit :

Ninety-five cents per acre for the 300,000 acres called for in the land-scrip—this being five cents per acre more than had been received by any state for its land scrip, according to the best information the board could obtain. The whole sale amounted to two hundred and eighty-five thousand (\$285,000) dollars, to be paid as follows :

\$21,000 in hand.
29,000 June 1st, 1872.
50,000 August 1st, 1872.
92,500 September 1st, 1872.
92,500 January 1st, 1873.

These payments have all been made except the last, which has not yet come to hand.

The total amount received from Mr. Lewis is \$192,500. Of this 19,000 was turned over to the Board of Visitors of the Agricultural and Mechanical College for the purchase of a farm, \$162,272 09 has been invested in Virginia stocks—as particularly described below—leaving \$11,227 91 still in bank awaiting investment, and drawing interest at the rate of six per cent. per annum, until invested.

List of Virginia Bonds purchased by the Board of Education with the Proceeds of the Land Scrip.

Consols.....	\$ 78,500	—Int. due Jan. 1st. 1878.....	\$ 2,205 00
Bonds issued under act forbidding coupons to be rec'd as taxes....	48,900	" " " "	1,467 00
New registered.....	11.500	" " " "	345 00
Old registered.....	79,268	" " " "	1,250 04
Old coupon.....	127,500	" " " "	18,030 00
Total amt. of bonds,	<u>\$340,668</u>	Total interest due,	<u>\$28,297 04</u>

In making this sale, the rector of the Agricultural and Mechanical College and the principal of the Hampton Normal and Agricultural Institute co-operated, and the whole body was unanimous in making the sale on the terms above stated.

The investment was made by the Board of Education alone. The act above cited authorizing an investment in Virginia stocks, it was thought best that the money should be kept within the State, and that no investment could be more secure or more likely to inure to the benefit of the institutions concerned than state stocks.

A report of the action of the board in this matter was made to a full meeting of the Board of Visitors of the Agricultural and Mechanical College, and met with the unanimous approval of the members.

All of which is respectfully submitted,

L. R. HOLLAND,
Secretary Board of Education.

COMMUNICATION
FROM THE
PRESIDENT OF THE VIRGINIA AGRICULTURAL AND MECHANICAL COLLEGE
ENCLOSING A STATEMENT
OF THE
NUMBER OF STUDENTS IN ATTENDANCE, &c.

RICHMOND, JANUARY 8, 1873.

W. A. ANDERSON, Esq., *Chairman Committee on
Public Institutions, Senate of Virginia:*

SIR:

In response to a resolution of the Senate passed December 6th, 1872, and transmitted in your letter of the 11th ult., I have the honor to enclose a list of the students in attendance at the Virginia Agricultural and Mechanical College, showing the date of their matriculation and from what counties they were appointed; also the number of students whose college expenses are not defrayed by the State.

I am sir, with great respect,

Your obedient servant,

C. L. C. MINOR,
President Va. Agricultural and Mechanical College.

Virginia Agricultural and Mechanical College.

Date of Matriculation	Name of Students.	From What County Appointed
1872. October 1.....	William A. Caldwell.....A Elbert C. Snow.....A Kent Black.....C Alexander Black.....C Charles W. Black.....C Charles D. Gitt.....B George W. Withers.....A Robert T. Goodson.....A Edward F. Swinney.....A Henry E. Thomas.....C Wm. B. P. Linkenauger.....C Wm. T. Stanger.....C Ballard P. Huff.....A James G. Stephens.....A James P. Kanode.....C James M. Bennett.....C Shelton Strickler.....A A. M. Ferguson.....C Wm. H. Coffman.....A Nash Henderson.....C Crosswell Henderson.....C Donglass Gray.....A Millard F. Brown.....C Rollins Broughton.....A Wm. S. Stone.....C James W. Thomas.....C Charles P. MuncyA D. B. Hawley.....C John H. Hope.....C Joseph Henderson.....C W. F. Henderson.....C Ellie F. Harris.....A Wm. R. Dudley.....A Luther A. Snow.....C James A. McCue.....A Peter Hairston.....A Wm W. Shultice.....B Wm. P. Gillette.....A C. S. Snow.....B A. J. EvansA Chester C. Hawley.....B Robert P. Gillum.....A Charles B. Francisco.....A Milton M. Caldwell.....B Henry W. Conway.....B James M. Lewis.....B John J. Fisk.....A Charles K. Payne.....B Ernest L. Bill.....B Charles W. Hunter.....B Wm. L. F. Lancaster.....B J. W. Keister.....B C. E. Evans.....B Thomas A. Lawson.....B Wm. F. Page.....A	Craig. Pulaski. Montgomery. " " " Pittsylvania. Isle of Wight. Campbell. Montgomery. Botetourt. Montgomery. Roanoke. Greene. Montgomery. " Madison. Lynchburg. Rockingham. Montgomery. " Rockingham. Franklin. Norfolk City. Montgomery. " Bland. Montgomery. " " Albemarle. King & Queen. Montgomery. Angusta. Henry. Goochland. Southampton. Pulaski. Montgomery. " Augusta. Washington. Craig. Madison. Roanoke. Norfolk County. Giles. Pulaski. " Montgomery. " " Campbell.
2.....		
8.....		
4.....		
5.....		
7.....		
8.... .		
9.....		
11.....		
14.....		
16.....		
21.....		
25.....		
28.....		
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29.....		
31.....		
November 2..		
4..		
5..		
6..		
8..		

Date of Matriculation.	Name of Students.	From What County Appointed.
November 9..	John H. Pigg.....A	Pittsylvania.
	Rob't P. Means.....B	Montgomery.
11..	Leonard T. Broce.....B	"
12..	William G. Gitt.....B	Giles.
12..	Frank F. Bullard.....B	Pulaski.
18..	George P. Lybrook.....B	Montgomery.
18..	R. H. B. Cobb.....A	Nansemond.
	Jos M. Menefee.....A	Franklin.
	Robert O. Harvey.....A	"
16..	George O. Spencer.....B	Patrick.
	O. Douglass Hottel.....A	Augusta.
	W. B. Tinaley.....A	Appomattox.
	Sam'l S. Hoge.....B	Giles.
18..	John H. Linkous.....B	Montgomery.
19..	N. R. Stanger.....B	"
	E. C. Hoge.....B	"
20..	James H. Hoge.....B	"
	F. J. L. Ammen.....B	Pulaski.
21..	Henry R. Kipps.....B	Montgomery.
23..	Daniel T. Walker.....B	Lynchburg.
25..	G. W. Pullen.....A	Botetourt.
26..	Wm. M. Effinger.....B	Montgomery.
December 2...	Jno P. Effinger.....B	"
	Miles K. Albert.....A	Giles.
	W. B. Harrison.....B	Brunswick.
	Wm. W. Meredith.....A	"
	W. H. Richards.....B	Montgomery.
	Daniel W. Lynch.....A	Washington.
8...	Robert Critz.....A	Patrick.
5...	C. W. Bocock.....B	Lynchburg.
6...	D. J. Rumbaugh.....A	"
7...	H. E. Graves.....A	Halifax.
12...	Thomas D. Shell.....B	Montgomery.
16...	C. E. Wingo.....B	Giles.
81...	Benj. L. Price.....B	Roanoke.
	R. N. Bennett.....B	Montgomery.
	John M. Keister.....B	"
	Abner B. Davis.....B	Pittsylvania.
1873.	J. E. Davis.....B	Montgomery.
	J. R. Goodwin.....B	Roanoke.
	H. H. Reynolds.....B	Patrick.
	John P. Hix.....A	Nelson.
	James L. Wysong.....B	Pulaski.
	Charles L. Dent.....B	"
	Edward E. Sears.....B	Appomattox.

NOTE.—Those marked A are the regular appointees by the County school boards under the law. They number thirty-six.

Those marked B are also State students, enjoying the same privileges as the above, by the appointment of the faculty under the authority of the executive committee of the Board of Visitors. They number forty-five.

Those marked C are the only students who pay tuition or college fees. They number nineteen.

COMMUNICATION
FROM
THE GOVERNOR
IN RESPONSE TO A
RESOLUTION OF THE SENATE

REQUESTING HIM TO GIVE TO THE GENERAL ASSEMBLY HIS
VIEWS AS TO THE BEST MODE OF RAISING MONEY TO
PAY THE INTEREST ON THE PUBLIC DEBT, &c.

COMMUNICATION.

COMMONWEALTH OF VIRGINIA,

EXECUTIVE CHAMBERS,

Richmond, January 13th, 1873.

To the Senate of Virginia:

I have the honor to acknowledge the receipt of a copy of a resolution agreed to by your honorable body, which is in these words, viz :

"Resolved, That in view of the late decision of the court of appeals, the Governor of this Commonwealth be requested to give to the General Assembly his views, at the earliest moment, as to the best mode of raising money to pay the interest on the public debt and defray the expenses of the State, and the increase of taxation necessary."

I take pleasure in responding to this courteous request of the Senate, and, if the views hereinafter expressed shall contribute to the proper and satisfactory solution of the important questions involved, the time and labor devoted to their consideration will be amply rewarded.

The resolution embraces two distinct enquiries: First, "as to the best mode of raising money to pay the interest on the public debt and defray the expenses of the State," and, second, "the increase of taxation necessary." As to the second enquiry, I desire at the outset to express confidently and unhesitatingly my opinion that if the views hereinafter stated are adopted by the General Assembly promptly and fully, no increase whatever in the rate of taxation will be necessary to meet the full interest upon the public debt and defray the current expenses of the State government. These views, which will constitute the answer to the first enquiry, summarized, may be arranged under three different heads, or expressed in three brief propositions :

First—The reduction of the principal or sum total of the public debt to the lowest amount possible, by applying our non-productive assets to its liquidation.

Second—The reduction of the current expenses of the State government to the lowest degree consistent with its proper and efficient administration.

Third—The assessment of all the property in the Commonwealth in accordance with the mandates of the Constitution.

I will briefly elaborate these propositions in the order in which they are stated. And, first, as to the reduction of the amount of the public debt. The State, to-day, is the owner of the following assets :

Second mortgage bond of the A., M. & O. R. R. Co.....	4,000,000 00
First " " R. & D. R. R. Co.....	385,000 00
Capital stock in the R., F. & Potomac R. R. Co.....	275,200 00
" " C. & O. R. R. Co.....	2,014,000 00
" " Roanoke Navigation Co.....	80,000 00
" " Upper Appomattox Co.....	12,500 00
Bonds of the Washington and Ohio R. R. Co.....	52,500 00
<hr/>	
Making a sum total of.....	<u>\$6,819,200 00</u>

[The State also owns the following turnpike stocks, viz:

Berryville .....	.....	7,150 00
Valley ... .....	.....	285,000 00
Northwestern.....	.....	151,000 00

And the armory and public warehouse property in the city of Richmond, and claims against Selden, Withers & Co.; which stocks, property and claims are quite valuable, and would probably bring \$250,000 in cash, but these are not included in the present estimates.]

The above amount of \$6,819,200 is, or can be soon made, available in liquidation of the State debt. The Second Auditor in his last annual report states the public debt to be on the 1st of July, 1871 (the date from which all bonds issued under the act of March 30th, 1871, draw interest), the sum of \$45,718,112 23. Now deduct from this sum the amount of the assets above stated (\$6,819,200), and it leaves but \$38,898,912 23; two-thirds of which is \$25,932,608 14; the annual interest upon which is \$1,555,956 48.

This calculation is based upon the assumption that the policy of applying our assets to the reduction of the sum total of the old debt will be continued. But it has been suggested, and with some reason, that owing to the attitude of the State of West Virginia upon the subject of the old debt, this State would be justified in applying these remaining assets to the liquidation of the two-thirds of the old debt, which she has already assumed to pay. If this plan were adopted, it would further reduce the liabilities we have assumed nearly one-third of the amount of these assets. The Second Auditor reports the total of the debt assumed by us at \$30,478,741 49 on the 1st of July, 1871. Deduct from this sum the total amount of assets as above given, viz: \$6,819,200, and the maximum of our debt is reduced to the sum of \$23,659,541 49, the annual interest upon which would be \$1,419,572 48.

I do not propose, however, to base my calculations or estimates upon this suggestion, but shall assume until further action is had that the policy already adopted will be pursued in future, and that all our assets will be applied in reduction of the old debt. As already stated, if this be done the debt may be reduced to \$25,932,608 14, the annual interest upon which will be \$1,555,956 48. But it may be advisable to use a small portion of the more valuable of these assets, say the bonds of the Washington and Ohio and the Richmond and Danville Railroads, as well as the stock in the Richmond, Fredericksburg and Potomac Railroad Company, amounting to \$712,700, to relieve our present necessities, and to use the armory and public warehouse properties, the Selden, Withers & Co. claims, and the turnpike stocks, in the reduction of the principal of the debt; in which case the two-thirds of the debt we have assumed would not amount to a sum exceeding \$26,000,000, the annual interest upon which would be \$1,560,000.

Of the propriety and necessity of disposing of these assets for the purpose of liquidating the State debt, and to a corresponding extent lightening the burthens of the people, there can be no question. Not \$500,000 of them are producing any income to the State, nor is there any probability of their doing so for years to come, if owned by her; and yet the amount of the public debt which they represent, and for which it was created, is constantly accumulating interest against the

State. There is neither reason nor justice for longer deferring action in this behalf.

Assuming that this action has been had, and \$1,560,000 consequently being the amount of the interest upon the public debt necessary to be annually raised, the next question is, How much more will be required to defray "the expenses of the State?" And this brings us to the consideration of the second proposition, viz: the reduction of the current expenses of the State government to the lowest degree consistent with its proper and efficient administration. I have always been an earnest advocate of the most rigid economy in every department of the State administration. I have long been satisfied that reforms could be made which would not only promote efficiency of administration, but would also reduce the annual expenses of the government nearly one-half. Our penitentiary could, and should, be placed upon a self-sustaining basis. This can be accomplished by leasing the institution for a term of years to responsible parties, or by changing the mode of its administration as suggested in my annual message of December 6th, 1871, with a modification of the laws so as to authorize the hiring out of convicts to labor upon public works, whose terms of service are more than ten years. By the adoption of either of these plans, though perhaps the former would be preferable, the penitentiary would cease to be any tax whatever upon the State treasury. Criminal charges, including the transportation of convicts to the penitentiary, should be borne by the counties and corporations, respectively. These charges during the last fiscal year, according to the Auditor's report, amounted to the enormous sum of \$150,737 17, which it is more than probable is fully twice the sum they would have been had they been defrayed by the counties and corporations. Our judicial system should be reorganized, and, as far as practicable, made self-sustaining. Suitors should be made to defray the expenses they occasion. I have already, in my last annual message, suggested a plan to the General Assembly by which our county courts may cease to be any considerable burthen upon the State treasury. A further examination of the Constitution satisfies me that it is within the power of the Legislature to free the State treasury from any tax whatever upon it on account of these courts, and I cordially recommend the exercise of that power. A system of fees should be adopted which will defray all the expenses of all the courts, except perhaps the salaries of the judges of the circuit and supreme court of appeals. With five judges of the supreme court of appeals and twenty-one circuit judges, the entire expenses of our judicial system would not exceed \$60,000, and even this sum might, by a judicious system of fees, be materially reduced.

I would also recommend an entire change in our system for the levy and collection of taxes. Instead of the cumbersome and expensive machinery we now employ, let all the taxes be levied and collected by the counties and corporations. "The assessments or valuations of property, in all cases, should be made by the State; but why not make use of the county and municipal authorities for the collection of the taxes? Require the Auditor to submit to the General Assembly, at the beginning of each session, an estimate of the amounts necessary to be raised by taxation for state purposes, and when these amounts shall have been determined by legislative action, require the Auditor to apportion the same among the several counties and municipalities of the State, on the basis of the assessed valuations of each, and transmit to the proper authorities of each county and municipality, on or before the 1st of February in each year, the several amounts, and total of all

taxes, required to be levied and collected therefrom. Authorize the counties and municipalities to levy and collect along with their local levy, and by their local officers, the amount of State taxes thus required, and hold each responsible for the amount thereof, to be paid into the State treasury at such time, or times, as may be required by law. By the adoption of this system you would avoid all delinquents—would dispense with considerable machinery and many officers, and save a very large item of expense to the State."—[See message of December 6, 1871.]

In brief, I would remit to the counties and corporations, to be borne by them, all criminal charges, the levy and collection of taxes and the expense thereof, all expenses of assessments, elections, registrations of voters, and all other matters of local administration, and for the very cogent (among other) reasons that they will be far more efficiently, economically, and equitably executed by the local than by the State authorities. The nearer these subjects can be brought home to the attention of the people who ultimately bear the burthens and reap the benefits of them, the more carefully will they be scrutinized, and the more thoroughly will they be administered.

By the adoption of the foregoing suggestions, the annual expenses of the State government may be reduced to the following amounts:

Judiciary	\$60,000 00
Charitable institutions :	
Eastern Lunatic Asylum.....	\$80,000 00
Western " "	55,000 00
Central " "	45,000 00
Institution for the Deaf, Dumb, and Blind.....	40,000 00
	200,000 00
Richmond Medical College	\$1,500 00
University of Virginia.....	15,000 00
Virginia Military Institute	15,000 00
	31,500 00
Civil Contingent Fund.....	\$20,000 00
Military "	1,000 00
Auditor, 2d Auditor, and Treasurer's Contingent Fund.....	8,000 00
Expenses Attorney General's Office.....	1,000 00
	25,000 00
Officers of Government	\$60,000 00
Public Printing	25,000 00
Registration of births, &c.....	8,500 00
	88,500 00
Add for other and special expenses.....	45,000 00
Total.....	\$450,000 00

And this sum will be ample to meet all the ordinary current expenses of the government except legislative expenses. These amounted last year to \$167,559 53, but the extraordinary circumstances which necessitated the call of a special session of the General Assembly, by the Governor, are not likely to again occur, and hence the expenses of future sessions will be much less. It appears to me that no future session of the General Assembly under our present Constitution ought to cost more than \$150,000. Add this to the amount above named, and it makes the sum of \$600,000 as the total amount necessary to be annually raised to defray the current

expenses of the State government, executive, legislative, and judicial. And it is probable that even this sum might be reduced fully \$50,000. But taking it as a basis, and adding to it the \$1,560,000 required to meet the interest on the public debt, and we find that the total sum necessary to be raised by taxation for both the purposes named in the resolution will be \$2,160,000.

In the estimates already given, no mention has been made of the amount necessary to be raised for the support and maintenance of schools, for I prefer to treat of that subject separately. For the current year the amount required by the Constitution must be levied and collected, but if the amendment to the Constitution, recommended in my two last annual messages, be adopted, viz., a capitation tax of two dollars, to be devoted exclusively to the support of schools, no State tax upon property for this purpose will be required. More money will be realized from this tax than we now secure from both the capitation and property tax. This amendment may be proposed at your present session, and if concurred in by the next General Assembly may be submitted to, and ratified by, the people in ample time to meet the requirements of our school system for next year.

The next, and perhaps most important proposition to be discussed is, how to raise the amount of \$2,160,000 required as above stated to meet the interest on the public debt and the current expenses of the government after the year 1873, as well as what provision can be made to meet that interest and the current expenses of the present year, including that of our school system, and the accumulated interest due and unpaid? And first let us accurately ascertain how much will be required for these purposes. I cannot suppose that it is the intention of the General Assembly to make any discrimination among our public creditors, but rather that it will treat all alike, and place all on the same equal footing so far as that may be possible. Prior to the passage of the act of March 7, 1872, which the late decision of the Court of Appeals pronounced unconstitutional and void, over two-thirds of the old debt had been funded under the act of March 30, 1871—\$20,278,730.07 of bonds were issued under this last mentioned act, the interest upon which must be met, as the coupons representing that interest at and after maturity are a legal tender for all taxes, debts, dues, and demands due the State.

It is always best to look the facts and circumstances with which we have to deal squarely and honestly in the face, so that we shall neither be deceived ourselves nor lead others into error. The interest upon the bonds funded under the act of March 30, 1871, must be paid, and no mode of avoiding it can be devised, even if we desired it. It has grown to be a maxim of the law of almost universal application—"quando aliquid prohibetur, prohibetur et omne per quod devinetur ad illud"—whatever is prohibited by law to be done directly cannot legally be effected by an indirect and circuitous contrivance.

This interest due and unpaid on the 1st of January, instant, amounted to \$1,380-317.14, and there will fall due on the 1st of July next, \$608,361.90, and a like amount on the 1st of January, 1874, making a total of \$2,597,040.94 to be provided for between the first days of this and the next year. The interest on the two-thirds of the balance of the old debt (reported by the Second Auditor at \$10,200,011.42) due and unpaid on the 1st of the present month was \$721,036.51. The interest on this portion of the debt, after it has been reduced as hereinbefore suggested, will not exceed the sum of \$343,276.19, which, added to the amount due the 1st instant, makes the sum of \$1,064,312.80 to be provided for on and before January 1, 1874.

Add this latter sum (\$1,064,312.70) to the amount due and to become due on the funded bonds (\$2,597,040.94), and the expenses of the State government (\$600,000), and we have the total sum of \$4,261,353.64 to be provided for during the current year. How is this to be accomplished? There was in the State treasury, to the credit of the Commonwealth on the 1st instant, \$1,683,619.33. The First Auditor estimates that the net receipts from taxes already levied after deducting the amount appropriated to school purposes will amount to \$1,381,354.78, to which add the above amount in the treasury on the 1st instant, and we have the sum of \$3,064,974.11 available to meet our liabilities. Deduct this sum from the total amount (4,261,353.64) of liability above stated, and it leaves a balance of \$1,196,-379.53. If the present tax on State indebtedness be continued, this amount will probably be further reduced by the sum of \$150,000, which, deducted from the foregoing amount, leaves a balance of \$1,046,379.53. By a sale of the bonds of the Washington and Ohio, and the Richmond and Danville railroad companies, and the stock in the Richmond, Fredericksburg and Potomac railroad company held by the State, at least \$600,000 should be realized, which, applied to the payment of the above balance, leaves the sum of \$446,379.53 to be provided for by taxation or other means.

This brings us to the consideration of the *third* proposition, viz: the assessment of all the property in the Commonwealth in accordance with the mandates of the Constitution. The Constitution prescribes that "Taxation shall be equal and uniform, and all property, both real and personal, shall be taxed in proportion to its value." "No one species of property from which a tax may be collected shall be taxed higher than any other species of property of equal value." "No land shall be assessed above or below its value." Now, it is well known that these plain and explicit declarations of the Constitution have not been complied with. The basis of all taxation upon property is its assessed valuation, and according to our constitution this valuation should be its real valuation, neither above nor below it. But how much property in the state is assessed according to this Constitutional standard? probably not one half. In some counties and corporations the assessments approximate much more closely to it than in others. But there is neither equality nor uniformity. Lands of equal value are assessed in different counties at different amounts, varying sometimes fully fifty *per centum*, and instances have occurred where they were not assessed at all. In some instances farms divided by county lines have been assessed on one side of the line at double the amount they are on the other, and that too where the lowest assessed lands were of equal or greater value than the highest; and I have known of sales of farm lands during the past year at more than three times their assessed valuation. I am satisfied that as a general rule the poorer and cheaper lands are assessed at or near their value, sometimes above but oftener below—while a large amount of the more valuable lands are often assessed at not more than one-fourth, one-third, or one-half of their value. In the cities of Richmond and Norfolk the assessed valuation of real estate for municipal purposes, and on which city taxes are levied, together, exceed the State assessed valuations by more than \$3,500,000, and I presume the same relative discrepancy against the State obtains in the other cities and towns of the Commonwealth. And the defects and irregularities of our land assessments are no more glaring than are those of personal property. Owing to our defective system, in part, and in part to the want of thoroughness on the part of officers,

millions of personal property escape taxation altogether; and much of that which is taxed is not assessed at half its value. In the city of Richmond alone, the assessed valuations, by municipal authority of personal property, exceed those of the State by more than \$3,000,000. Now this is wrong, unjust and unconstitutional. Prompt and effective measures should be adopted to secure as nearly as possible, the full, just, and equal assessment of all the property in the Commonwealth, according to the rules prescribed in the Constitution. Our laws providing for the assessments of personal property must be made more stringent and searching, with severer penalties for their evasion or violation. Incompetent and negligent officers must be removed and their places filled by those who knowing their duty will perform it. By these means we shall be enabled to at least approximate accuracy. The people recognize the fact that their government which protects them in their lives, liberty, and property, must be sustained by taxation; but, while they fully realize and cheerfully acquiesce in this self-evident proposition, they demand, and rightfully, that taxation shall be "equal and uniform" and that "all property, both real and personal, shall be taxed in proportion to its value." To ascertain this value assessments are made, and if these assessments are incorrect and unequal, in like degree will the tax levied thereon be incorrect, unequal and unjust. Local assessments alone, even if repeated every year, will never produce equality and uniformity throughout the State. The more I reflect upon it the more do I regret that the Act of February 1st, 1872, providing for the re-assessment of lands, ever went into force. It is wrong in principle and unjust and demoralizing in practice. It is no adequate remedy for unjust and unequal assessments. It is a temporary expedient of doubtful constitutionality, and tends to increase rather than diminish the evils complained of. The true system to be adopted, and the only one which will ever solve the difficulty, without trenching upon constitutional principles, is that which shall provide for the revision, correction and equalization of assessments among the several townships of counties and the wards of cities, and then the revision, correction and equalization of the assessments among the several counties and corporations of the State. The latter can only be accomplished through the instrumentality of a State Board, while the former is already provided for by law to be done by the Boards of Supervisors in counties, and the councils of the several municipalities should be clothed with like powers, and such provision made as will secure its thorough execution in both cities and counties. I have already, in my two last annual messages, called the attention of the General Assembly to this subject, and I cannot now too strongly urge its great importance upon your immediate attention. In my judgment no effort should be spared to rectify the errors and injustice of our present assessments, so that every dollar's worth of property may bear its equal and just proportion of the public burthens, and no more. It is right, it is just, and it is imperatively demanded by the highest considerations of private interest and public policy. And when, if ever, this shall be accomplished, it will be found that the assessed valuations of the personal and real property in the Commonwealth exceed \$500,000,000. Why, the assessments on which the taxes of 1866 were levied were nearly as large as they are now, and yet these assessments were made very soon after the war and before the State had scarcely begun to recover from its terrible devastations—when our lands were comparatively barren of improvements and nearly all the personal property of our citizens had been swept away. Beyond question the personal property in

the State has increased three-fold since the war, nor can it be doubted that there has been a very considerable increase in the value of lands in at least one-half of the State. In the cities of the Commonwealth alone, the personal and real property, according to city assessments, has increased since 1866 over \$25,000,000. Apply even the standard of valuations used in 1866, and our present assessment would probably reach \$400,000,000. While this sum is far below the amount which an assessment according to the constitutional standard would make it, let us take this as the basis of our calculations. At the present rate of taxation \$2,000,000 would be realized from this source alone, from which deduct one-fifth for school purposes, and a balance of \$1,600,000 is left to be appropriated to the purposes of paying the interest and defraying the expenses of the government. To this sum should be added the taxes from incomes, licenses, and other sources. Under the present tax bill the Auditor estimates that the receipts from these sources will reach the following amounts:

Incomes.....	82,909	80
Licenses.....	270,310	56
Liquor licenses.....	8,164	59
Other sources.....	178,578	98
Total.....	<u>\$489,958</u>	<u>98</u>

Now, this sum total ought to be largely increased, and can be with proper legislation. The commissioners appointed to revise our oyster laws estimate that if the bill which they have prepared and submitted with their report becomes a law the State will derive a net revenue from this source alone of \$100,000. The indebtedness of railroads, no matter where or by whom owned, is now taxed, and if the principle be correct, why not apply it to all corporations, and to the stocks as well as the bonds issued by them? From this source the revenue might be increased to \$150,000. The Constitution authorizes the taxation of incomes over \$600, but our law increases the exemption to \$1,000, and the tax, in name, is only collected from the incomes of individuals. Why should it be thus limited? Why should it not be applied to all persons, real and legal? Why are corporations, which are fictitious persons, or "soulless individuals," exempt from this tax? Is this a proper and just execution of the Constitution, which declares that "all taxation shall be equal and uniform?" If incomes are taxed at all, then all incomes should be taxed, and at the same rate. The gross receipts, or income, of insurance, telegraph, express, steamship, and some other companies are already taxed, but at different rates. It appears to me that this tax should be of a uniform rate, and that the gross receipts or income of all corporations should be taxed equally. The rate of taxation upon the income of individuals is now fixed by law at one per centum, and if this be the rate established to be levied upon all incomes, the amount of revenue to be derived from this source would amount to over \$100,000. The total estimated receipts from licensees (including liquor licences) under our present law is \$278,475.15. This sum may be very justly and properly increased to \$300,000 by increasing the liquor licensees and by a suitable tax upon all foreign corporations doing business in this State whose capital is invested elsewhere.

The Auditor, in his annual report for the year 1871, recommends a stamp tax such as was in force in this State for some years, beginning with the year 1813,

and from which he estimates a revenue might be derived to the amount of about \$100,000. He says that this tax "would scarcely be felt by the masses of the people." As a temporary expedient to relieve us from present embarrassments, and our real and personal property from increased burthen, I am inclined to endorse this recommendation of the chief financial officer of the government. It is also safe to estimate the revenue to be derived from miscellaneous sources, interest on deposits, seals, back taxes, etc., etc., at \$150,000; making a total of \$800,000, which may be derived from other subjects of taxation than property. Our revenue might be very largely increased by a specific tax upon every gallon of wine, ardent spirits, and malt liquors sold in the State whether imported or of domestic manufacture. Certainly a sufficient sum could be realized to make up any casual deficit in the amounts of revenue hereinbefore enumerated.

It will be seen, therefore, that if the suggestions herein made are adopted, the total annual revenue of the State will not be less than \$2,800,000. Deduct from this sum one-fifth of the tax upon property for school purposes, and there is left the sum of \$2,400,000 available for the payment of the interest on the public debt and the expenses of the government—a sum ample for these purposes, even if the public debt be not decreased one dollar. And this will be accomplished without any increase whatever in the rate of taxation. In fact, if the Constitution be amended as suggested, the rate of taxation may be hereafter materially decreased.

For the present year, as has been already stated, our liability will amount to \$446,379.53 after making all deductions of funds on hand the first of the year, balance of taxes already levied, amount realized from sale of assets already mentioned, and tax to be deducted from interest paid. To meet this amount we shall have such of the taxes of 1873 as shall be collected prior to January 1, 1874. I estimate this amount at \$1,200,000, or three sevenths of the taxes to be levied, from which deduct \$200,000 for school purposes, and it leaves \$1,000,000, an amount considerably in excess of the sum required.

Gentlemen of the Senate, the foregoing are my views "as to the best mode of raising money to pay the interest on the public debt and defray the expenses of the State, and the increase of taxation necessary." Every opinion expressed has been deliberately formed, and every calculation and estimate carefully made, and, if adopted by the General Assembly, every result stated will be fully realized. These results comprise the increase of the revenues of the State, by new subjects of taxation and the equitable assessment of all property in the Commonwealth to \$2,800,000. The reduction of the annual expenses of the State government to.... \$600,000 00 The reduction of the public debt to..... 26,000,000 00 And consequent reduction of annual interest thereon to..... 1,560,000 00 Or, if the assets of the State hereinbefore enumerated be applied to the reduction of that portion of the public debt assumed by us as prescribed by the act of assembly of March 30th, 1871, then the reduction of the principal of the debt to the sum of..... \$28,659,541 49 And the annual interest thereon to..... 1,419,572 48

G. C. WALKER.

SENATE DOC. NO. IX.

COMMUNICATION

FROM

SUPERINTENDENT OF THE PENITENTIARY

IN RESPONSE TO A

RESOLUTION OF THE SENATE CALLING FOR A STATEMENT OF THE
MONTHLY SALES OF ARTICLES MANUFACTURED AT THAT INSTI-
TUTION, AND THE NETT PROFIT ARISING FROM ALL
SALES, FOR THE FISCAL YEAR 1872.

RICHMOND, JANUARY 14, 1878.

To Hon. JOHN L. MARYE,
President Senate of Virginia :

SIR:

In accordance with a resolution adopted by the Senate of Virginia, asking for information in regard to the sales of articles manufactured at this Institution, and the profits arising therefrom, I have the honor to transmit herewith a statement relating thereto.

Very respectfully,

Your obedient servant,

GEO. F. STROTHER,
Superintendent Virginia Penitentiary.

A STATEMENT of Monthly Sales of Manufactures in the Virginia Penitentiary, during the fiscal year ending October 1st, 1872.

1871.		
October 31,	By amount sales.....	\$ 2,975 01
November 30,	" " "	5,206 80
December 30,	" " "	8,645 52
1872.		
January 31,	" " "	2,744 29
February 29,	" " "	8,999 96
March 31,	" " "	2,547 89
April 30,	" " "	8,945 55
May 31,	" " "	6,160 42
June 30,	" " "	5,172 22
July 31,	" " "	5,110 42
August 31,	" " "	5,960 70
September 30,	" " "	12,423 06
		\$59,890 84
September 30,	By amount clothing sold contractors.....	3,195 00
		<u>\$63,085 84</u>

VIRGINIA PENITENTIARY

Manufacturing Operations during fiscal year ending October, 1872.

1872.	Dr.	
October 1, To raw material purchased during year ending October 1st, 1872.....	\$ 57,329 17	
To amount raw material on hand at beginning of fiscal year.....	7,806 60	
	<u>\$ 65,135 87</u>	
Cr.		
By raw material on hand to date.....	\$ 11,288 19	
By clothing furnished }	8,567 75	
Convicts and discharged }	1,660 00	
	<u>21,465 94</u>	
Raw material consumed	43,669 93	
Sales to general agents.....	59,890 84	
Sales to convicts.....	8,195 00	
	<u>68,085 84</u>	
Balance in favor of sales.....	\$ 19,415 91	
Less commissions to general agt... 4.406 75		
Nett profit.....	<u>\$ 15,009 16</u>	

SENATE DOC. NO. X.

COMMUNICATION
FROM THE
SUPERINTENDENT OF PUBLIC INSTRUCTION
IN RESPONSE TO A
**RESOLUTION OF THE SENATE REQUESTING TO BE FURNISHED WITH
A STATEMENT OF THE NUMBER OF ADDITIONAL TEACHERS
AND SCHOOLS FOR EACH COUNTY NECESSARY TO
CARRY INTO SUCCESSFUL OPERATION THE
FREE SCHOOL SYSTEM IN THE STATE.**

To the Honorable Senate of Virginia:

I have the honor to acknowledge the receipt of the following resolution :
“ *Resolved*, That the State Superintendent of Public Instruction be requested to furnish to the Senate of Virginia, at as early a day as practicable, the number of additional teachers and schools for each county necessary to carry into successful operation the free school system in the State.”

In obedience to this call, I beg leave to submit the following statement: In collecting information for my last annual report, I required county superintendents to state the additional number of schools which might have an average attendance of 20 and 15 pupils respectively, yet needed in their counties. They reported in the aggregate 680 schools of 20 pupils and 564 of 15 pupils. The number of pupils enrolled is supposed to be about 50 per cent. greater than the number in average attendance.

The number of teachers is supposed to be the same as the number of schools, and the average pay is put at \$25 per month, which, although a very small remuneration, is about the average amount received from public funds throughout the State.

The estimate is made upon the supposition that the schools will continue the lawful term of five months. Should it be the intention to provide for a longer term, which is earnestly desired by the people of many counties, a corresponding addition to the estimate would be needed.

The cost of school-houses and other district expenses is not included in the estimate.

It should be distinctly noted that the schools and funds tabulated below, are, in addition to those of last year, given in my Annual Report for 1872. In table No. 6 (page 186) of that Report, will be found the number of schools maintained in the several counties last year, as well as the number yet wanted; and in table No. 5 (page 182), will be found the amount of money raised in the several counties for the support of schools last year.

A STATEMENT showing the number of Schools yet needed in the State, and cost of maintaining the same for a term of five months.

COUNTIES.	NO. OF SCHOOLS YET NEEDED.		Cost of Schools which will average 20 Pupils.	Cost of Schools which will average 15 Pupils.	Total cost for whole num- ber needed.
	Average 20 Pupils.	Average 15 Pupils.			
Accomac.....	18	1	\$1,625	\$ 125	\$ 1,750
Albemarle.....					
Alexandria.....					
Alleghany.....	4	6	500	750	1,250
Amelia.....	5	9	625	1,125	1,750
Amherst.....	10	15	1,250	1,875	3,125
Appomattox.....	7	5	875	625	1,500
Augusta.....	8	6	1,000	750	1,750
Bath.....	10	8	1,250	1,000	2,250
Bedford.....	18	18	1,625	1,625	3,250
Bland.....		2	.....	250	250
Botetourt.....	8	9	1,000	1,125	2,125
Brunswick.....	11	7	1,875	875	2,250
Buchanan.....		4	.....	500	500
Buckingham.....	20	30	2,500	3,750	6,250
Campbell.....	9	8	1,125	1,000	2,125
Caroline.....	8	8	1,000	1,000	2,000
Carroll.....	5	8	625	375	1,000
Charles City.....	1	1	125	125	250
Charlotte.....	7	12	875	1,500	2,875
Chesterfield.....	8	10	1,000	1,250	2,250
Clarke.....	2	.....	250	.....	250
Craig.....	8	6	1,000	750	1,750
Culpeper.....	4	12	500	1,500	2,000
Cumberland.....	9	8	1,125	1,000	2,125
Dinwiddie.....	6	.....	750	.....	750
Elizabeth City.....	3	1	375	125	500
Essex.....	5	8	625	1,000	1,625
Fairfax.....	1	4	125	600	725
Fauquier.....	4	2	500	250	750
Floyd.....	10	1	1,250	125	1,375
Fluvanna.....	2	2	250	250	500
Franklin.....	82	15	4,000	1,875	5,875
Frederick.....	4	1	500	125	625
Giles.....	3	4	375	500	875
Gloucester.....	3	1	375	125	500
Goochland.....	4	4	500	500	1,000
Grayson.....	4	3	500	275	875
Greene.....	5	5	625	625	1,250
Greenville.....	6	.....	750	.....	750
Halifax.....	26	23	3,250	2,875	6,125
Hanover.....	9	16	1,125	1,800	2,925
Henrico.....	32	5	4,000	625	4,625
Henry.....	6	8	750	1,000	1,750
Highland.....	6	4	750	500	1,250
Isle of Wight.....	4	6	500	750	1,250
James City.....		8	.....	875	875

COUNTIES.	NO. OF SCHOOLS YET NEEDED.		Cost of Schools which will average 20 Pupils.	Cost of Schools which will average 15 Pupils.	Total cost for whole num- ber needed.
	Average 20 Pupils.	Average 15 Pupils.			
King and Queen.....	2	5	250	625	875
King George.....	8	2	875	250	625
King William.....	3	.....	875	.....	375
Lancaster .....	.....	1	.....	125	125
Lee .....	.....	6	.....	750	750
Loudoun.....	5	8	625	1,000	1,625
Louisa	14	8	1,750	1,000	2,750
Lunenburg	6	6	750	750	1,500
Madison	7	5	875	625	1,500
Mecklenburg.....	11	16	1,875	1,800	3,175
Middlesex.....	2	5	250	625	875
Montgomery.....	4	1	500	125	625
Nansemond	5	4	625	500	1,125
Nelson.....	6	11	750	1,375	2,125
New Kent.....	.....	4	.....	500	500
Norfolk.....	15	4	1,875	500	2,375
Northampton.....	2	2	250	250	500
Northumberland.....	8	8	1,000	1,000	2,000
Nottoway.....	6	6	750	750	1,500
Powhatan.....	1	2	125	250	375
Orange.....	8	6	875	750	1,125
Page.....	18	15	2,250	1,875	4,125
Patrick	26	8	8,125	1,000	4,125
Pittsylvania.....	1	1	125	125	250
Prince Edward.....	5	3	625	875	1,000
Prince George.....	.....	5	.....	625	625
Princess Anne	12	5	1,500	625	2,125
Prince William.....	6	4	750	500	1,250
Pulaski	4	3	500	375	875
Rappahannock.....	.....	5	.....	625	625
Richmond.					
Roanoke.....	5	2	625	250	875
Rockbridge	9	5	1,125	625	1,750
Rockingham.....	15	12	1,875	1,500	3,375
Russell	26	9	8,125	1,125	4,260
Scott	20	10	2,500	1,250	3,750
Shenandoah.....	11	4	1,875	500	1,875
Smyth.....	5	2	625	250	875
Southampton.....	11	12	1,875	1,500	2,875
Spotsylvania.....	.....	10	.....	1,250	1,250
Stafford	2	2	250	250	500
Surry.....	2	4	250	500	750
Sussex	7	1	875	125	1,000
Tazewell	12	7	1,500	875	2,375
Warren	8	2	875	250	625
Warwick.					
Washington	8	7	1,000	875	1,875
Westmoreland.					
Wise.....	9	4	1,115	500	1,625
Wythe.....	6	4	750	500	1,250
York	1	2	125	250	375
Totals.....	680	564	\$88,750	\$69,825	\$158,075

Respectfully submitted,

W. H. RUFFNER
Superintendent Public Instruction.
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REPORT OF JOINT COMMISSION

ON

REMOVAL OF PENITENTIARY.

The Commissioners appointed under the joint resolution, "agreed to March 20th, 1872," to "receive proposals for plans to carry out the removal of the Penitentiary," report, that inasmuch as they were required to "serve without cost or charge of any kind to the State," and not being authorized to advertise, there was, of a necessity, no farther publication or notice given to the public of their appointment and the objects of the commission, save the voluntary notices made of the same by the newspapers at the time of the adoption of the joint resolution. Had they been authorized to advertise, it is probable they would have received many proposals.

As it was they have received but one proposition, which comes from Dr. Junius Archer, who offers to dispose of his property, known as Bellona Arsenal, situated on the south side of James river, about ten miles west of the city of Richmond. His proposition is to dispose of the buildings formerly used by the U. S. Government, which will be found fully described in this report, together with two hundred acres of land, more than sufficient for all the requirements of a penitentiary, even if it should be necessary to double the accommodations now afforded. This property is offered to the State by Dr. Archer for the sum of \$36,000. In payment for which he proposes to accept land now occupied by the present Penitentiary, to be assessed at city prices.

Other sites have been examined by the Commissioners, but they can find none which present the slightest claims to their consideration when compared with the above.

At the request of the Commissioners, General W. C. Newberry, Superintendent Public Buildings, examined the property offered, and made the following report :

OFFICE SUPERINTENDENT PUBLIC BUILDINGS,
STATE CAPITOL, December 30th, 1872.

COL. THOMAS H. WYNNE,

Chairman Joint Commission of General Assembly:

Having been requested by your Commissioners to examine and report upon the present condition of the buildings at Bellona Arsenal and their adaptability to use as a penitentiary, and to give such information as would seem to me to be useful in making up your report, I beg to submit as follows :

The plat and plans hereto attached are made up from actual measurements by myself, and roughly show the location, size, plan of construction, &c., of the buildings, and the plat, the situation of the property upon the river, &c.

A careful examination of the buildings convinces me that they are all well built

of the best material, very thick, strong walls, heavy timbers and best slate roofs, and that they are in perfect condition for immediate use and occupation.

The building marked "A" on plan, if subdivided into cells, would securely and comfortably accommodate one hundred and seventy-five prisoners, and leave ample room in the basement for cooking and feeding them. In its present condition, without a penny of repair, it is a fine and strong work-shop of large capacity.

The houses on either side of the above described building are substantial, two-story basement dwelling-houses, ready for immediate occupation. They are marked "B."

Buildings marked "C" and "D" are two-story, well built work-shops, sufficient in size to work a very large force. There are attached to these structures small buildings of value and utility.

The structures mentioned above are all of brick with stone trimmings. The front, facing the river, has a stone and brick wall eighteen to twenty feet in height, with substantial oak gates. The side walls are solid stone and brick from six to eight feet in height, and of sufficient thickness to carry up to any desired height.

Across the south face of the enclosure are wooden structures with stone basements, that would be of great advantage during the time of fitting up the site. Near the building above named is a brick stable of considerable capacity. The magazine is a model of architecture, enclosed with a high wall, and with a small outlay could be converted into an excellent hospital.

The property above described stands in a beautiful grove, elevated above the river some sixty feet, and one-fourth of a mile away. The ground slopes gracefully away on either side and leaves a beautiful level plateau of three or four acres extent, affording perfect drainage toward the back country. The surrounding country seems fertile and well adapted to successful farming.

About five hundred yards to the eastward lies the ruins of the foundry and mill with the water-wheel, flues, race-way, shafts and stacks all standing and in good condition. A large amount of brick and other material lies upon the ground.

To the south of these lies the pond with its outlet of solid masonry and the dam in perfect order. The water power would seem sufficient for a very large business.

To sum up all, Sir, I should say that upon any other site equally as well adapted by nature for the use proposed, that the improvements existing there, and which are in their proper place, are worth, and would cost, more than \$50,000.

I am fully satisfied that there is abundant coal upon the property, and also a good granite quarry.

Should this site be chosen as a penitentiary, might not the presence of granite prove a solution to the important question, "How can we build a new capitol?" And of coal, how we can prevent criminal labor from competing with honest mechanical industry.

Very respectfully,

W. C. NEWBERRY,

Superintendent.

This testimony of one who is well known, and eminently capable of forming correct ideas in regard to such matters, is sustained by the observations of a majority of the Commission who visited the premises, and became convinced that it was the most eligible and appropriate place which could be found, uniting the recommendations of being sufficiently remote from the city to satisfy the reasonable complaints of those who desire its removal, while, at the same time, it is accessible to Rich-

mond by the Danville Railroad, which passes within two miles of it, and the James river and Kanawa canal, which, connecting with the slack-water afforded by Bosher's dam, offers every facility for water transportation which can ever be required.

In addition to these advantages, the place presents the important advantage of being more than ordinarily healthy. On this point the Committee, aware of its great importance, investigated the subject as fully as their limited time would allow; but they ascertained enough from the following facts, viz.: During the period embraced between 1812 and 1845, Maj. Clarke worked on an average one hundred hands, and during that time not more than three or four died from sickness. From 1845 to 1865 the present owner employed nearly the same number, and during this time only three of them died, and two of them from pneumonia. We presume few places can offer a more favorable mortuary record.

The only objection which can be urged against this place which has the slightest show of plausibility, is that of the probability of injuring the water in the river by the discharge of the offal into it, thereby affecting the supply furnished to the city. Admitting to the fullest extent the probability of this result, we have only to say that this objection would weigh against the occupation of any place on the river above the city for any large establishment. But waiving this view of the case, we would suggest that to discharge the refuse matter into the river would be the most wanton sacrifice of valuable material that can be conceived of, and, to obviate the objection, we will recommend that in the event of any arrangements being made for the removal to this place, it should be guarded against by such legislation as will insure the city against this evil. This subject was presented to the Commissioners who were appointed by a former Legislature, and they reported as follows:

"The Commission conferred with Col. Wm. Gilham, well known as a practical chemist and a man of large information in such matters, on the subject of corrupting the water in the river, and they learned from him that the whole offal and filth of an institution of the kind could easily be converted into a valuable fertilizer, so that the river could receive no impurities, and the value of the fertilizer would so much more than compensate for its cost of production, that its manufacture would actually prove a source of profit to the State, and they are satisfied that this would be so, and, no matter where the Penitentiary is located, this mode of utilizing all its refuse matter ought to be adopted."

This objection being disposed of, nothing else can be said to its detriment.

A bill being before the Legislature now which contemplates the removal of the Penitentiary from the city, we refrain from offering any bill or joint resolution at this time, and, for the reasons given in this report, we recommend the selection of Bellona Arsenal as the most appropriate, eligible and, in an economical point of view, most desirable that can be selected for the Penitentiary.

All of which is respectfully submitted.

THOS. H. WYNNE,
Chairman Joint Commission.

Richmond, Va., January 23, 1873.

SENATE DOC. NO. XII.

COMMUNICATION

FROM THE

AUDITOR OF PUBLIC ACCOUNTS

IN RESPONSE TO A

RESOLUTION OF THE SENATE CALLING FOR INFORMATION AS TO
THE AMOUNT OF FUNDS NOW IN THE TREASURY, AND THE
AMOUNT HELD SUBJECT TO THE PAYMENT OF INTER-
EST DUE IN JANUARY AND JULY 1872, &c.

COMMONWEALTH OF VIRGINIA,
OFFICE OF THE AUDITOR OF PUBLIC ACCOUNTS,
Richmond, January 30th, 1873.

To the Hon. JOHN L. MARYE, JR.,
Lieutenant-Governor of Virginia and President of the Senate:

SIR:

By resolution adopted on the part of the Senate on the 18th day of December, 1872, the Auditor of Public Accounts is requested to furnish to it—

1st—What amount of funds there is now in the treasury?

2nd—What amount now in the treasury is held subject to the payment of interest due in January and July, 1872?

3rd—What will be the amount of liability upon the treasury for the interest falling due January and July, 1873, at the rate of four and six per cent., as also the two per cent. withheld by the act passed , 1872?

4th—What is his estimate of the expenditure for support of government for 1873, and his estimate of the amount derivable from taxes applicable thereto, and what in his opinion will be the deficit, if any?

I beg leave, respectfully, to respond to these queries in the order in which they are propounded.

First—By the Treasurer's annual report it appears that on the 1st day of October, 1872, there was in the treasury :

To the credit of the Commonwealth.....	1,087,849 46
" " " Literary Fund.....	2,887 81
" " " Interest on the Public Debt.....	8,501 27
" " " Sinking Fund.....	280 49
Total	<u>\$1,098,499 08</u>

By a subsequent statement there was in the treasury on the 1st day of January, 1873 :

To the credit of the Commonwealth.....	1,653,698 03
" " " Literary Fund.....	18,488 41
" " " Interest on Public the Debt.	6,671 87
" " " Sinking Fund.....	9,761 02
Total.....	<u>\$1,683,619 88</u>

Second—The Second Auditor has at no time made requisitions on this department for any distinct portion of the interest on the Public Debt, but has from time to time required sums to meet probable early demands upon him. Thus within the fiscal year 1871-72, it appears from the annual report from this office that the sums of \$563,810 00 in currency, and \$28,180 00 in coupons, were turned over to him, and the further sum of \$40,000 00 in the months of October, November and December, 1872, leaving in the treasury on the 1st day of January, 1873, of the amounts so turned over, as shown above, the sum of \$6,671 87, for the payment of interest.

Third—The Second Auditor reports :

The interest falling due for six months prior to the 1st January, and for six months prior to the 1st July, 1878, on currency bonds at 6 per cent. and sterling bonds at 5 per cent.	1,810,540 74
The two per cent. interest withheld under the act of March 19th, 1872, due 1st January and 1st July, 1872, for six months prior to those periods respectively	585,188 29
The interest remaining unpaid on the 1st January, 1873, of the 4 per cent. authorized by the act of March 19, 1872.	610,894 98
	<u>\$8,006,624 01</u>

The interest falling due in January and July, 1878, at 4 per cent. on
currency bonds, and 4 per cent. on sterling \$1,207,027 15

Fourth—There was in the treasury to the credit of the Commonwealth on October 1, 1872. 1,087,849 46
Deduct so much of the following taxes as had been paid prior to
that date 205,752 61

Assessed value of lands for 1872..... 261,411,108 89
Tax thereon at 50c. on the \$100 val. 1,807,055 54
Assessed value of property for 1872... 77,850,540 71
Tax thereon at 50c. on the \$100 val. 889,252 70

Total.....	889,261,649 60	1,696,808 24
		8,164 59
		<u>1,704,472 88</u>

Deduct estimated delinquents, commissions to tax
receivers, and one-fifth of the remainder for pub-
lic free school purposes..... 488,114 00

Income tax returns on assessors' books, \$8,290,980,78,
taxed at one per cent 82,909 80

1,271,858 88

Tax on licenses returnable to May, 1872.....	92,484 64
" " " to August, 1872.....	158,779 45
" " " to November, 1872.....	24,046 46
" " " to May, 1878, estimated as of 1872	92,484 64
	<u> </u>
	895,704 99
Estimated receipts from other sources :	
Tax on law process, deeds, and wills, on notarial seals, interest, dividends and capital, on railroads, insurance companies, on oysters, rents, interest on deposits in banks, &c., &c., &c.....	266,820 14
	<u> </u>
	2,815,480 81
Estimated ordinary expenses of government from October 1, 1872, to September 30, 1878, under laws in force October 1, 1872, exclusive of Literary Fund claims and interest on the Public Debt, to be modified by such appropriations as may be made during the present session of the General Assembly.....	1,082,344 00
	<u> </u>
	1,788,186 81
It is shown above that by the Second Auditors's statement the payment of full interest, including that falling due on the 1st July, 1878, will require	
	<u> </u>
Deduct balance in the treasury October 1, 1872, applicable to the payment of interest	8,006,624 01
	<u> </u>
Apparent deficit October 1, 1873.....	1,228,487 20
	<u> </u>
	6,671 87
	<u> </u>
Should it be the pleasure of the General Assembly, still to retain the two per cent. withheld in January and July, 1872, and to pay but 4 per cent. for the year 1878, viz :	1,216,815 88
Two per cent. withheld on interest falling due January and July, 1872.....	585,188 29
Difference between 4 and 6 per cent. on interest falling due January and July, 1878..	608,513 59
	<u> </u>
	1,188,705 88
Deduct balance in the treasury October 1, 1872, as above.....	34,785 32
	<u> </u>
And the apparent deficit will be	6,671 87
	<u> </u>
	\$28,118 45

It is not supposed the entire amount of taxes for 1872 will be brought into the treasury within the fiscal year 1872-73, but that receipts for arrears of taxes prior to 1872 may be equal about to such deficiency.

I am, very respectfully, your obedient servant,

WM. F. TAYLOR,
Auditor of Public Accounts.

SENATE DOC. NO. XIII.

ANNUAL REPORT

OF THE

JOINT COMMITTEE ON THE STATE LIBRARY.

R E P O R T.

To the General Assembly of Virginia:

The joint committee on the library have the honor to report that they have had submitted to them, and have carefully examined the accounts of the Librarian for the year 1872, and have found the same to be correct and sustained by the proper vouchers, and the disbursements to have been such as are contemplated by law.

In further execution of their duty to "report fully to the General Assembly," and as setting forth in detail such matters in connection with the library as it seems to them proper the General Assembly should be made acquainted with, the committee present the report made to them by the Librarian, which is as follows:

OFFICE OF SECRETARY OF THE COMMONWEALTH,
Richmond, January 1, 1873.

To the Library Committee:

GENTLEMEN:

Under the requirement of law, which makes it the duty of the General Librarian to render an annual account of the receipts and disbursements of the Library fund, I submit herewith written statements and vouchers, which show that during the year just ended the receipts were \$6,794 69, and the disbursements \$8,032 40. Included in the latter is a charge of \$450 for insurance, and others amounting to \$651 for glass doors to the alcoves, and painting the same—expenditures which were ordered by the committee the last session. The amount of the Library fund, at the beginning of the year, was \$10,164 89. The balance at this date is \$8,972 18.

The volumes purchased during the year number 942, and the donations, in exchange, 348 books and 140 pamphlets. The purchases were made, with few exceptions, by Mr. Wynne, with the concurrence of Mr. Gilman, to whom authority for this and other purposes during the recess had been delegated by the committee; and I take occasion to say that the Library has been fortunate in having the services, in this particular, of the gentleman first named, whose great bibliographic information, aided by his acquaintance with the trade, has taught him where to find and how to obtain many works whose intrinsic worth is much enhanced by their scarcity, and has enabled him to add to our catalogue some of the choicest treasures known to the lovers of books.

A list of all the volumes received during the year is herewith submitted. I beg to call attention, as worthy of special notice, to a few of those whose titles are given:

Napoleon's great work on Egypt, one of the noblest monuments of the great captain who fills so large a space in the history of the world. This work consists of twenty volumes text and minor illustrations, and three volumes elephant folio, containing engravings in the highest style of art, embracing views of temples, pyramids, statues, inscriptions, and everything else necessary to give a correct idea of the manners, customs and habits of the ancient Egyptians; together with the portraits of persons living in Egypt at the time of Napoleon's invasion, and also accu-

rate drawings from natural history, embracing, apparently, the entire fauna and flora of the country. The materials for this great work were obtained by the savans, who, by Napoleon's order, accompanied the expedition, and who, with their untiring industry and intelligent research, achieved all that the most ardent enquirer in this interesting and important branch of human knowledge could demand.

An elegant copy of *Kingsborough's Mexican Antiquities*, nine volumes, large folio, the greater portion of them containing illustrations which represent the monuments, temples, idols, picture-writing, manners and religion of this singular people as they existed centuries before the advent of the Spanish conqueror. The materials for this great work were sought for with untiring zeal in every collection which was known to exist in the civilized world, while those which were in Mexico were copied by artists sent there for the purpose. This great work is a complete encyclopaedia of all that is known of ancient Mexico and the Mexicans, and as evidence that no exertion or expense was spared in the prosecution of the undertaking, it is well known that Lord Kingsborough expended upwards of sixty thousand pounds sterling in obtaining the materials which fill these magnificent volumes.

Next in order should be named the *Chronicon Nurembergense*, published at Nuremberg in 1493. This massive folio is printed on elegant paper, in clean German type, and is bound in thick oak boards covered with pig skin, elaborately ornamented. It contains nearly 3,000 wood engravings, including curious maps of different countries, many of them covering two pages, and embracing in other portions of the work an illustrated history of the world, beginning with chaos, and giving each day's progress in the work of creation; also, the temptation and expulsion of our first parents, the flood and all the history of the world as narrated by the sacred writers. Not the least curious is its array of portraits of the Jewish kings and the Apostles, and these are succeeded by the Popes, including among the latter the apocryphal Joan with an infant in her arms. This unique work (whose illustrations, in imitation of line engraving, were executed by Wolgenath, the master of the celebrated Albert Drurer), has attracted the attention of the lovers of curious books, ever since its publication, and the great bibliographer Dr. Thomas Froggall Dibdin devotes twenty-six pages in one of his works to a description of a copy possessed by Lord Spencer, of which the one in the library is an exact duplicate.

The *Vetusta Monumentsa*, containing valuable plates of the most interesting and venerated relics connected with the ancient history of Great Britain.

Frampton's Joyful Newes from a New-Found World, printed in 1580.

Public Good without Private Interest, published in 1657, being an address to the Lord Protector Cromwell, in regard to the condition of Virginia at that time.

Meyrick's Ancient Armor, in three volumes folio (styled by Sir Walter Scott "the incomparable armory"); gives a correct history and description of the armor used at all periods in the world's history. That which relates to the arms and weapons of Great Britain during the past five or six centuries being illustrated by engravings made from the suits of armor in existence when this book was published. The illustrations give the minutest details of the elaborate ornamentation so often used on medieval armor, and are illuminated with gold, silver and steel, in exact imitation of the originals.

Besides the above named, the committee purchased a copy of Sabin's admirable reprint of *Hariot's Virginia* and many other works, original copies and reprints

relating to the history, antiquities and archaeology of this country, which it is unnecessary to mention in detail. The library is indebted to Mr. Joseph Sabin, of New York, for a donation of a collection of his valuable reprints of rare American pamphlets.

Among the modern publications obtained, none can rank higher than Halliwell's matchless edition of Shakespeare, in sixteen volumes folio, of which only one hundred and fifty copies were printed, and these for subscribers exclusively. It contains besides the life (in a separate volume uniform with the work), and the text and notes, all printed in the highest style of typographical art, admirably executed illustrations of everything that could be found which related directly or indirectly to Shakespeare, his family and his history. The admirers of the great bard regard this work as the noblest monument to his genius, and the State of Virginia may be considered fortunate in possessing a copy.

Irving's Life of Washington, in five volumes quarto, containing proof impressions of all the plates and numerous additional illustrations.

A fine, clean, uncut copy of *Marshall's Life of Washington*, published in five volumes, but enlarged to ten volumes by the insertion of several thousand plates, many of them very rare and curious portraits of distinguished individuals, and also minor heroes contemporaries of the Father of his Country, together with views of places connected with the events of his military and civic career, forming together a collection which it would be almost impossible to duplicate.

The most ancient, as well as one of the most beautiful specimens of paper, ink, and typography which have been added to our shelves, is a copy of *Pliny's Natural History*, printed at Venice in 1476, only thirty-six years after the invention of printing; while one of the rarest is an original edition of the *Book of Mormon*, the *Bible of The Latter Day Saints*, now occupying the Territory of Utah; printed at Palmyra, New York, in 1830—the later editions of which being, as is alleged, materially different in text and doctrines from this original.

Deeming it highly desirable that those who feel an interest in obtaining correct information relating to the early history of Virginia should be able to find in the Library, in addition to the valuable works which we have obtained, an index to the original documents which are to be found only in Great Britain, the sub-committee have engaged the services of W. Noel Sainsbury, Esq., of the Public Record Office of Great Britain, well known to historical students as the author of the valuable Calendar of State Papers (a copy of which is in the Library) to make a calendar of the papers relating to Virginia. Mr. Sainsbury, writing on the 17th of May, 1872, says:

"There are three series of American Papers in this office, viz.: 'The Colonial Papers and Entry Books,' from Elizabeth's reign to 1688; the 'American and W. Indies,' and the 'Board of Trade' series, both from 1689 to 1783. In the first, or 'Colonial' series, there are ten volumes which relate to Virginia, from 1666 to 1688. (I have already calendared from 1661 to 1665 for my next volume.) In the 'Board of Trade' series there are twenty-seven large volumes of original correspondence, wholly relating to Virginia, and fourteen volumes of entries of letters, commissions, instructions, &c., to the Governors of Virginia for the time being. In 'America and W. Indies' series there are seventy volumes which contain papers relating to Virginia. Some of these volumes wholly relate to that State. Some

contain letters to and from the Governors of Virginia, as well as the Governors of other States, while others contain Orders in Council, &c., &c., relating to Virginia and the other colonies. These papers which relate to other colonies would not of course be noticed in a Calendar of Virginia State Papers, so, that, altogether, in the three separate series from 1666 to 1783, there are one hundred and twenty-one volumes relating to Virginia, or about an average of a volume for each year.

"It would be difficult to tell you the exact cost of a calendar of these volumes, but my experience in these matters leads me to say that I think the whole cost would probably be not more than £200.

"If it were thought advisable, a portion might be undertaken at first, say to the end of Queen Anne's reign, (1714), though I need scarcely remind you that the papers are much more numerous for the later than the earlier years, especially after the war with France, towards the end of George II.'s reign, when Washington first appears on the scene, and afterwards to 1775.

"I enclose specimen of calendar and paper as I suggest it should be done. If each document be calendared on a separate piece of paper, a perfectly chronological arrangement, when completed for binding, may readily be made, and a general index added at a comparatively small additional cost, which would make the calendar most complete and of the utmost value and usefulness.

"W. NOEL SAINSBURY."

[Specimen.]

1663.

CAROLINA.

"June 10. John Colleton to the Duke of Albemarle. Many desire to settle in Carolina under the Duke's Patent, but are deterred by the Duke of Norfolk's claim to the title, grounded on a Patent granted by King Charles I. to Sir Robert Heath in 1629. and by him assigned to the Duke of Norfolk's ancestors. Those who intend to settle in Carolina will not go without liberty of conscience which cannot be granted them under Heath's patent; necessity for the removal of that obstacle.

INCLOSSES.

State of the case of the Duke of Norfolk's pretensions to Carolina."

As copies of all the documents in the Public Record Office and other offices of the Kingdom of Great Britain are to be had on proper application, it is apparent that this calendar will be invaluable to all who wish to obtain information from the original sources. Appreciating this, the sub-committee ordered a calendar of all the papers relating to Virginia, from its first settlement to the close of the Revolutionary War. With this calendar before him, any one desiring information on any subject relating to the colonial history of Virginia will be able to order a copy of the document and obtain it at comparatively small cost. The arrival of the first installment of Mr. Sainsbury's work is daily expected, and it is hoped that the whole will be received before the next meeting of the General Assembly.

Since the close of the last session the marble bust of the late Gen. J. E. B. Stuart, the work of a Virginia artist, Mr. Valentine, has been presented to the State by his brother, Col. Wm. A. Stuart, by whose direction it is to remain in the library. Prompted by a like sentiment of public spirit, Major Wm. B. Myers, of this city, has placed in the Library the portrait of his grandfather, the late Gov. Wm. B. Giles; and Mr. Wm. Wirt Henry, of Charlotte, has contributed an interesting relic of his renowned grandfather, Patrick Henry, namely, his commission, on parchment,

as Colonel of the first regiment of regulars, and commander-in-chief of all the forces raised by the Committee of Safety of Virginia in 1775, preparatory to the war for independence. Mr. H. P. Cochran, of Albemarle, has hung upon our walls, subject to his ownership, a number of interesting mementoes of the revolutionary period, including autograph letters of Washington, Greene, Col. Campbell, of King's Mountain fame, and others. And to Col. John C. Shields, of this city, we are indebted for a souvenir of our later and not less illustrious hero, Stonewall Jackson.

I have been made acquainted with the purpose of other parties to make similar contributions, including several portraits of former governors of the State, and I hope to be able next winter to exhibit a large accession to this attractive department of Virginia history.

In this connection it may be proper to mention that having ascertained a few months ago that the original draft of the Ordinance of Secession, adopted by the State Convention in April, 1861, which was missing and had been much enquired for, was in the hands of Judge John C. Underwood, I at once wrote to him, with the approval of the Governor, claiming the parchment as the property of the State. He replied as follows:

“ UNITED STATES DISTRICT COURT,
DISTRICT OF VIRGINIA,
Alexandria, Va October 28th, 1872.

Hon. Jas. McDONALD,

Secretary of State, &c.:

Sir:

Your favor of the 25th found me in bed of a rheumatic attack, or you would have received an earlier reply.

The paper you seek was deposited in my hands in April, 1865, by Hon. Wm. H. Seward, then Secretary of State of the United States. I gave him a receipt for it, promising to return it to his department when called for.

You will therefore see that I could not properly give it any other direction without the consent of that department.

Your obedient servant,

JOHN C. UNDERWOOD.”

Addressing myself next to the State Department at Washington, and renewing the claim of Virginia to the document, I received the following reply:

“ DEPARTMENT OF STATE,
Washington, November 1, 1872.

JAMES McDONALD, Esq.,

Secretary of State of Virginia, Richmond, Virginia:

Sir:

I have to acknowledge the receipt of your letter of the 30th ultimo, addressed to the Secretary of State, enclosing one addressed to you by Judge Underwood, and requesting that a certain paper referred to by him and said to be the “original ordinance of secession, adopted by the Virginia Convention in April, 1861,” may be delivered to you for official custody and preservation in the archives of the State of Virginia. In reply, I have to inform you that the paper in question is on file in this Department, was placed here several years since, and although it appears to have been temporarily lent to Judge Underwood, has been returned to

the Department, and it is the opinion of the Secretary that he is not authorized to remove it from the file or to part with its custody.

I am, sir, your obedient servant,

CHARLES HALE, *Ass't Sect'y."*

I trust that other and more successful means may be employed to recover possession of this interesting document, which is clearly the property of the State, and the acquisition of which by any other holder can hardly be accounted for reputably.

Apologizing to the committee for the length of this report, I have the honor to be
Your obedient servant,

JAS. McDONALD.

Secretary of the Commonwealth and General Librarian.

All of which is respectfully submitted.

A. T. JOHNSON,
Chairman Library Committee.

SENATE DOC. NO. XIV.

COMMUNICATION

FROM THE

AUDITOR OF PUBLIC ACCOUNTS

IN RESPONSE TO A

RESOLUTION OF THE SENATE CALLING FOR A STATEMENT OF THE
AMOUNT OF CRIMINAL CHARGES FOR EACH COUNTY AND
CITY OF THE COMMONWEALTH, &c., &c.

COMMONWEALTH OF VIRGINIA,
OFFICE AUDITOR OF PUBLIC ACCOUNTS,
Richmond, Va., February 7, 1873.

To the Hon. JNO. L. MARYE, JR.,

President of the Senate:

SIR:

I beg leave to present herewith a statement showing the amount of criminal charges in each county and city of the State for which warrants were issued at this office during the fiscal year ending the 30th September, 1872, called for by resolution of the Senate agreed to 3rd January, 1873. This statement would have been furnished at an earlier day, but for the amount of labor involved in separating the charges by counties for an entire twelve months, and in preparing it as required by the terms of the resolution.

I am, very respectfully, &c.,

WM. F. TAYLOR,
Auditor Public Accounts.

STATEMENT showing the Amount of Criminal Charges for each County and City of the Commonwealth, Warrants for which were issued from this Department during the fiscal year closing with the 30th September, 1872. Prepared under a resolution of the Senate passed January the 3rd, 1873.

Accomack	559 97	Mathews	712 80
Albemarle	8,891 08	Mecklenburg	866 47
Alexandria	4,008 78	Middlesex	123 50
Alleghany	464 56	Montgomery	1,172 69
Amelia	1,104 08	Nansemond	767 28
Amherst	621 22	Nelson	873 67
Appomattox	184 00	New Kent.	833 01
Augusta	2,491 22	Norfolk County	2,098 20
Bath	60 50	Northampton	215 58
Bedford	2,821 50	Northumberland	818 15
Bland	249 48	Nottoway	1,485 86
Botetourt	318 70	Orange	507 02
Brunswick	503 59	Page	110 80
Buckingham	588 94	Patrick	2,093 20
Buchanan		Pittsylvania	1,255 66
Campbell	1,108 48	Powhatan	542 18
Caroline	281 76	Prince Edward	862 43
Carroll	352 82	Prince George	577 94
Charles City	204 86	Princess Anne	984 05
Charlotte	841 10	Prince William	875 26
Chesterfield	1,068 76	Pulaski	853 96
Clarke	411 70	Rappahannock	268 72
Craig	218 13	Richmond	914 15
Culpeper	659 27	Roanoke	843 04
Cumberland	1,445 42	Rockbridge	774 19
Dinwiddie	384 72	Rockingham	2,070 78
Elizabeth City	475 05	Russell	1,281 14
Essex	410 89	Scott	727 89
Fairfax	558 68	Shenandoah	180 36
Fauquier	701 90	Smyth	781 87
Floyd	517 72	Southampton	586 62
Fluvanna	621 80	Spotsylvania	67 84
Franklin	679 15	Stafford	201 17
Frederick	812 97	Surry	144 85
Giles	572 74	Sussex	849 68
Gloucester	679 89	Tazewell	475 49
Goochland	881 48	Warren	519 27
Grayson	487 46	Warwick	184 60
Greene	114 82	Washington	1,787 21
Greenville	768 01	Westmoreland	873 77
Halifax	4,419 68	Wise	188 03
Hanover	1,873 12	Wythe	892 68
Henrico	5,672 41	York	414 70
Henry	624 22	Danville	1,069 18
Highland	158 91	Fredericksburg	1,281 86
Isle of Wight	792 87	Lynchburg	8,646 64
James City	313 81	Norfolk City	9,768 78
King George	196 20	Petersburg	8,060 44
King and Queen	386 12	Portsmouth	2,880 05
King William	966 06	Richmond City	32,856 88
Lancaster	723 15	Staunton	520 90
Lee	808 21	Williamsb'g, incl'd in Jas. City.	
Loudoun	1,177 14	Winchester, included in Fred-	
Louisa	497 14	erick Co.	
Lunenburg	700 25		
Madison	198 04	Total, as per annual report ...	\$140,085 80

WM. F. TAYLOR, Auditor Public Accounts.

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COMMUNICATION
FROM THE
AUDITOR OF PUBLIC ACCOUNTS

ENCLOSING, IN RESPONSE TO A RESOLUTION OF THE SENATE,

AN ITEMIZED STATEMENT OF AMOUNTS DRAWN FROM THE CIVIL
CONTINGENT FUND, ON THE ORDER OF THE EXECUTIVE,
DURING THE LAST FISCAL YEAR.

COMMONWEALTH OF VIRGINIA,
OFFICE OF AUDITOR OF PUBLIC ACCOUNTS,
Richmond, February 11th, 1873.

*To the Hon. JOHN L. MARYE, JR.,
President of the Senate:*

SIR:

I have the honor to present herewith "an itemized statement" of the amounts drawn from the civil contingent fund, on orders of the Executive, during the last fiscal year, called for by resolution of the Senate agreed to January 18, 1873.

I am, very respectfully,
Your obedient servant,

WM. F. TAYLOR,
Auditor of Public Accounts.

A STATEMENT

Of Warrants issued on the Contingent Fund from the 1st October, 1871, to the 30th September, 1872, inclusive, in compliance with a Resolution of the Senate of the 18th January, 1873.

Oct. 2,	18, Wt. to Charles A. Ruhl, gardener to Capitol square, to one month's services to 1st October, 1871.....	60 00
84,	" Israel Brown, teamster, account his pay for services Sept., 1871.....	80 00
42,	" C. B. Oliver and another, account their services for September as messenger and assistant messenger to Executive department.....	75 00
47,	" H. H. Wells, account services as counsel in case of Auditor vs. Arents in Circuit Court U. S.....	100 00
55,	" Chas. Bellonot, account two seals furnished for Buckingham county,	12 00
56,	" Wm. H. Richardson, account his services for September as Adjutant-General ad interim.....	100 00
4,	117, " Richmond post-office, account postage stamps for Secretary of the Commonwealth	59 25
184,	" Mrs. Howard, account washing towels for executive department.....	8 60
14,	393, " D. A. Brown & Son, account repairs to harness for State cart...	2 25
16,	400, " Michael Joyce, account services in going to North Carolina, under a requisition of the Governor, for arrest of Oliver Perkins.....	16 50
17,	445, " S. P. Lathrop, account coal furnished Capitol, State Court-house, and Governor's house.....	325 50
447,	" Sam'l McCubbin, account oats furnished State horse.	12 50
451,	" John Bowers, account plumbing, &c., done at Capitol.....	58 30
21,	544, " West & Johnston, account postage stamps and stationery furnished Executive department and Adjutant-General's office.....	88 85
		<hr/> 888 75

1871.			
Nov. 1,	774,	Wt. to M. Angle and others, account their pay for October as ex. guard, &c., penitentiary.....	1,215 00
779,	"	W. H. Richardson, Adjutant-General, account his salary for October, 1871	100 00
785,	"	S. Bolyn, expenses going to Loudoun county from Richmond and returning, under requisition of the Governor, for George Gaines, confined in jail in Washington for felony.....	66 57
798,	"	Edward Beech and others, account their October, 1871, pay as capitol police and porter.....	431 67
800,	"	Chas. A. Ruhl, account his services for October as public gardener...	60 00
801,	"	Israel Brown, account his sevices as public teamster for Oct. 1871,	30 00
803,	"	C. B. Oliver and another, account their services for Oct. as messenger and assistant messenger to Executive, and articles purchased for Executive mansion.....	82 85
4,	879,	" Bland & Carter, account two desks, shelving, &c., furnished 1st Auditor's Office, &c., &c.....	288 96
9,	998,	" Jos. Allard, account work done at cattle-yard	384 50
10,	1,021,	" A. J. Blackburn, account ice furnished Capitol to 31st October, 1871.....	28 76
11,	1,041,	" Southern Express Co , account sundry express charges for Executive.....	27 40
1,045,	"	John A. Meredith, account fee in case of De Rothchilds vs. State of Virginia in Circuit Court of Richmond City.....	800 00
1,078,	"	Wm. F. Knox, account mileage to and from Albany, New York, under a requisition of Governor for arrest of W. H. Turner.....	119 60
17,	1,145,	" A. J. Vaughan, account work done at Governor's house and Capitol,	101 00
18,	1,165,	" Jas. McDonald, account telegrams paid by him to Sept. 18th, 1871..	7 78
20,	1,180,	" J. W. Beveridge, account 89 loads white gravel for Ex've grounds...	9 75

1871.

Nov. 21,	1,211, Wt. to Nolting & Bro., account hardware furnished for Capitol.....	26 28
29,	1,395, " C. B. Oliver, messenger to Executive, account his services for No- vember, 1871.....	60 00
Dec. 1,	1,447, " Wm. H. Richardson, Adjutant-General ad interim, account his sal- ary December, 1871.....	100 00
	1,460, " Montrose Angle and others, account their pay for November, 1871, as exterior guard penitentiary.....	1,215 00
	1,461, " R. Beach and others, account their pay for November, 1871, as Capi- tol police and portage.....	481 66
	1,462, " Jos. Cross, account his services for November as assistant messenger to Executive.....	15 00
2,	1,478, " Chas. Ruhle, gardener to Executive, account his services for Nov. 1871,	60 00
	1,474, " Israel Brown, teamster to the Com- monwealth, account his services for November, 1871.....	80 00
4,	1,522, " Miss M. Gay, account her salary as temporary clerk in office Secre- tary of the Commonwealth to 30th November, 1871.....	47 18
5,	1,559, " W. J. W. Lovell, account hauling gravel for Executive grounds, and for wood and coal for Capitol... ..	36 75
	1,563, " Alice Gifford, account repairing State flag.....	1 50
	1,564, " Jas. Neeson, Attorney for the State of Virginia, account fee for print- ed record due Clerk District Col- umbia Court of Appeals, and for deposit with Clerk Superior Court United States in case of Common- wealth vs. Zeph English	305 50
7,	1,638, " Bland & Carter, account carpenter's work done at Capitol and Execu- tive mansion.....	121 25
8,	1,675, " A. J. Vaughan, account cleaning desks House Delegates and Sen- ate, &c.....	66 55
11,	1,774, " D. A. Brown & Son, account one pair harness and strings for State harness.....	1 20
	1,795, " Saml. MacCubbin, account oats, lime	

	1871.		
Dec. 12,	1,830, Wt. to Richmond Enquirer account printing election returns	189 75	
1,852,	" Richmond Dispatch, account printing election returns.....	210 00	
13,	1,858, " Richmond Whig, account printing election returns.....	178 25	
1,859,	" Same.....	52 50	
14,	1,954, " Richmond post-office account postage stamps, &c. for Secretary of Commonwealth.....	53 09	
1,957,	" Nolting & Bro., account bill hardware furnished for Capitol.....	10 66	
22,	2,292, " West & Johnston, account stationery furnished Secretary of Commonwealth and Adjutant General....	56 45	
2,320,	" Chas. J. Sinton, account bill hardware for basement offices.....	8 67	
2,467,	" Jno. Bowers, account plumbing and other work done at Capitol and Governor's house.....	186 20	
80,	2,687, " Montrose Angle, and others, account their services for Dec. 1871, as exterior guard at penitentiary	1,215 00	
2,694,	" A. B. Lipscomb, account shoeing State horse.....	12 79	
2,697,	" W. C. Newberry and others, account their pay for portage of Capitol and police and guards of same for Dec. 1871.....	481 66	
2,698,	" Chas. A. Ruhle, account his services for Dec. 1871, as gardener to Governor.....	60 00	
2,702,	" Israel Brown, account his services as teamster for Dec. 1871.....	80 00	
2,711,	" Arthur Rooney, account chairs, cushions, &c., for House Delegates and Senate.....	125 75	
			5,262 61
	1872.		
Jan. 8,	2,820, " Cardozo, Fourqurean & Co., account sheeting, towels, &c., for Executive mansion.....	84 48	
2,845,	" C. B. Oliver and another, account their salaries for Dec. '71, as messenger and assistant messenger to Governor.....	77 00	
2,856,	" Miss M. Gay, account her salary for		

1872.

		Dec. as temporary clerk in office	
		Secretary of Commonwealth.....	88 38
Jan. 4,	2,876, Wt. to Wm. H. Richardson, Adjutant-General, account his salary Dec. 1871.		100 00
2,884,	" Benj. Bates, account stationery furnished Land office.	9 40	
5,	2,962, " Danl. Stevens, account articles furnished Senate and House Delegates.....	71 75	
2,978,	" City Gas Works, account gas furnished the Square, State house and Court of Appeals to 20th Dec. 1871.....	355 08	
8,007,	" Bland & Carter, account carpenter's work, done at the Capitol..... ..	89 00	
9,	8,109, " Mrs. Howard, for washing towels for 3 months for Executive offices to 1st Jan'y.....	4 75	
8,125,	" Nowlan & Co., account work done at Governor's house.....	18 00	
10,	8,187, " Jos. Allard, Jr., account material furnished for cattle pen.....	68 61	
11,	8,207, " McGowan & Lamkin, acct. furnished Capital to 31st Dec. 1871.....	22 88	
12,	8,287, " Geo W. Anderson & Sons, account articles, furniture, &c., furnished Governor's house and offices at Capitol.....	819 02	
8,250,	" E. B. Taylor, account glassware, furnished Executive mansion.....	6 67	
8,258,	" Henry Pelouze, account rent of room in Law Building for use of Secretary of Commonwealth for storage of State Publications.....	88 38	
15,	8,887, " Blount & Quay, account running culvert in Capitol Square.	11 00	
.8,851,	" J. B. Beazley, account repairing brick work to heating apparatus, &c.....	10 00	
8,886,	" Jno. Bowers, account plumbing done at court room Court of Appeals.....	9 85	
18,	8,449, " Norfolk Journal Company, account advertising proclamation offering reward for the murderer of Jno. Wilson.....	6 75	
8,450,	" Norfolk Virginian, account advertising reward for arrest of murderer of Officer Wilson.....	7 87	

1872.			
Jan. 18, 8,451,	" Norfolk Day Book, account advertising proclamation offering reward for the murderer of Jno. F. Wilson.....	10 00	
25, 8,750,	" W. J. McDowell, account coal and wood furnished Capitol and State Court-house.....	183 00	
26, 8,779,	" Saml. McCubbin, account 18 bushels oats furnished for State horse	8 45	
31, 8,780,	" H. M. Gray, acct. services to date as temporary clerk in office Secretary of Commonwealth..	88 88	
			1,513 50
Feb. 1, 4,034,	" M. Lewis and others, account expenses to Eastern and Western Lunatic Asylum, visit of examination, by order of the Legislature.....	90 00	
4,045,	" Myer Angle and others, account their pay for Jan'y 1872, as exterior guard at penitentiary.....	1,170 00	
4,051,	" Wm. H. Richardson, Adjutant-General, account his salary Jan'y. 1872.	100 00	
4,052,	" C. B. Oliver and others, account their pay for Jan'y as messenger and assistant messenger to Executive.....	77 00	
4,055,	" Rich'd Beach and others, account their pay for Jan'y 1872 as Capital police and porterage.....	481 67	
4,056,	" Chas. Ruhle, account his services for Jan'y 1872, as gardener.....	60 00	
2, 4,064,	" Israel Brown, account his salary for Jan'y as teamster to Commonwealth.....	80 00	
4,108	" J. W. Randolph & English, account stationery furnished Secretary of the Commonwealth.....	14 02	
8, 4,176,	" Bland & Carter, account work done at the Governor's.....	21 80	
5, 4,188,	" City Gas Works, account gas furnished Capitol and Court of Appeals to 20th Jan'y 1872....	181 46	
8, 4,822,	" Nolting & Bro., account keys, &c., furnished at Capitol.....	10 90	
4,848,	" Jno. Bowers, account repairs at the Capitol and Governor's house....	28 97	
9, 4,856,	" Winchester News, account advertis-		

1872.

		ing escape of prisoners from Warren county jail.....	10 50	
Feb. 9,	4,882,	Wt. to J. M. McGowan, account ice furnished officers at Capitol in Jan'y, 1872.....	19 69	
12,	4,479,	" A. J. Vaughan, account work done at Capitol.....	58 00	
18,	4,525,	" W. J. Westwood, account teams furnished to haul ice for the State..	19 00	
19,	4,762,	" West & Johnston, account stationery, &c., furnished Secretary of Commonwealth and Adjutant-General.....	28 00	
20,	4,809,	" Arthur Rooney, account chairs, &c., furnished Senate chamber.....	46 00	
21,	4,818,	" E. B. Bentley, account 5 tons of coal furnished for Capitol.....	48 75	
	28,	5,110,	" Richmond post-office, account stamps, &c., furnished Secretary of the Commonwealth.....	58 84
Mar. 1,	5,249,	" Wm. H. Richardson, account his salary for Feb'y 1872, as Adjutant-General.....	100 00	
	5,254,	" Isaac N. Eve and others, account their pay for Feb'y 1872, as exterior guard Virginia pen'triary....	1,170 00	
	5,262,	" C. B. Oliver and others, account their services for Feb'y as Capitol police, messengers to Executive, teamster, &c.....	594 67	
4,	5,388,	" Miss H. M. Gay, account her salary for Feb'y 1872, as temporary clerk in office Secretary Commonwealth.....	88 88	
	5,469,	" J. T. Bland, account repairs done at Capitol.....	28 25	
9,	5,621,	" Jno. Bowers, account plumbing and other work done at Capitol and Governor's house.....	77 80	
11,	5,641,	" Jno. Philips, account hauling ice to Executive mansion.....	10 00	
12,	5,696,	" E. B. Taylor, account cut wine bottle for Executive mansion.....	5 00	
	5,695,	" W. J. McDowell, account coal and wood furnished Capitol and State Court-house for Jan. and Feb'y..	298 70	
12,	5,701,	" A. J. Blackburn, account ice stored in ice-house for use of public offices at the Capitol.....	61 65	

1872.

Mar. 13,	5,723,	Wt. to City Water Works, account water rent at Capitol and State Court-house to 1st. Sept., 1872.....	88 85
15,	5,808,	" A. Alexander Little, account advertising reward for murderer of Wm. Webster.....	6 75
	5,804,	" Rufus B. Merchant, account advertising reward for murderer of Wm. Webster.....	6 00
	5,085,	" J. B. Sener, account advertising reward for murderer of Wm. Webster	6 00
	5,806,	" Norfolk Virginian, account advertising reward for murderer of Officer Wilson.....	7 87
19,	5,974,	" Bland and Carter, account building Clerk's office for Senate.....	125 00
	5,986,	" Chas. Bellenot, account seal and press for King & Queen Co.....	6 00
20,	6,019,	" West & Johnston & Co., stationery furnished Adj't-General's office...	24 35
21,	6,088,	" Jno. D. Cosby, account arrest of A. Bumpass, in Tennessee, charged with horse-stealing, under requisition of Governor of Virginia	165 00
23,	6164,	" Kendall O'Dwyer, agt., account his expenses to Maryland in arresting Wm. Hall.....	106 05
30,	6,560,	" Richmond Enquirer Co., account advertising reward for arrest of Jno. W. Talley.....	11 88
April 1,	6,590,	" Isaac N. Eve and others, account their pay for March, as exterior guard to penitentiary.....	1,170 00
	6,600,	" C. B. Oliver and others, account their pay for March as Capitol police, messengers, &c.....	598 68
	6,625,	" Susan Howard, account washing towels for Executive office.....	4 50
2,	6,698,	" H. M. Gay, account her salary for March as temporary clerk to Secretary of Commonwealth.....	88 88
5,	6,825,	" Nolting & Bro., account hardware furnished for repairs at capitol...	12 80
	6,857,	" Kendall O'Dwyer, account expenses to and from Maryland, to arrest Mark Wicks, under requisition of Governor of Virginia.....	108 40

1872.		
April 10,	7,171, Wt. to A. D. Chesterman, account 15 bushels oats for state horse and deer.	11 70
15,	7,284, " Sam'l McCubbin, account 15 bushels oats for state horse and deer,	11 25
16,	7,307, " Richmond Dispatch, account advertising reward for J. W. Talley, and proclamation convening the Legislature.....	12 38
7,309	" J. W. McDowell, account coal furnished Capitol and State Court-House to 1st April.....	281 75
7,313,	" Jas. McDonald, and another, account advances for telegrams, expresses, &c., and for advertising Governor's proclamation, offering reward for Wm. Suitor...	31 90
7,315,	" Richmond post-office, account wrappers and stamps furnished Superintendent Public Printing.....	58 41
7,342,	" Richmond post-office, acc't wrappers and stamps furnished Secretary of Commonwealth to 16th April, 1872.....	552 10
18,	7,369, " J. A. Belvin, account one desk for Supreme Court of Appeals.....	55 00
7,371,	" Richmond Whig, account advertising certificate of election, proclamation, &c.....	20 68
19,	7,409, " Wm. J. Rogers, account traveling to and from Wilmington, N. C., under requisition of the Governor to arrest F. G. Kidder	
22 ^d	7,459, " West, Johnston & Co., account stationery, &c., furnished Secretary of Commonwealth.....	75 20
23,	7,471, " City Gas Works, account gas furnished to April 20, 1872, at the Capitol, on the Square, and State Court-house	20 00
27,	7,582, " Wm. C. Wilkinson, account arresting Wm. Hill, an escaped convict.	504 79
7,585,	" A. J. Vaughan, account repairs at the Capitol.....	15 00
7,006,	" J. W. Randolph & English, account stationery furnished Secretary of Commonwealth and Att'y-Gen'l..	21 65
May 1,	7,710, " Chas. Oliver and others, account their pay as Capitol police and messengers, &c., April, 1872.....	39 75
		3,633 70
		611 66

1872.

May 2,	7,752,	Wt. to Miss H. Matoika Gay, account her services for April, 1872, as temporary clerk in office Sec'y of the Commonwealth.....	88 88
3,	7,771,	" J. M. Granger, account repairing lace curtains at Ex've mansion..	18 00
4,	7,801,	" Baughman Bros. & Co., account stationery furnished Sec'y of Commonwealth	13 25
11,	7,968,	" A. D. Chesterman, account oats and hay furnished state horse.....	15 87
18,	7,994,	" Richmond Enquirer Co., account advertising proclamation of Governor.....	15 40
15,	8,046,	" Chas. Bellenot, account 2 seals furnished Bath Co.....	14 00
16,	8,058,	" Jno. Wren, account mileage to and from New Orleans and expenses of prisoner in bringing Wm. Marshall to Virginia, under requisition of Governor	\$23 80
17,	8,087,	" Sam'l McCubbin, account meal and shorts for State deer.....	2 70
	8,088,	" Lybrooke & Seybert, account professional services in measuring Executive mansion to enlarge the same.....	100 00
	8,089,	" W. J. McDowell, account coal and wood furnished Capitol and State Court-house.....	89 00
18,	8,118,	" Charles Bellenot, account seal furnished Sup. Court of Appeals...	6 00
	8,120,	" Jno. Bowers, account plumbing and other work done at the Capitol and the Governor's house.....	25 62
	8,124,	" J. T. Bland, account repairs done at Capitol and Governor's house,	22 25
28,	8,210,	" Cook & Laughton, account two azalias for the Governor.....	14 00
	8,249,	" West & Johnston, account stationery furnished Adjutant-General and the Sec'y of the Commonwealth,	25 06
25,	8,251,	" Campbell & Co., soap furnished basement offices.....	8 00
	8,257,	" W.H. Turpin, account blue grass and clover for seeding Capitol Square,	10 80
	8,429,	" Miss H. Matoika Gay, account nine days' service in office Secretary of the Commonwealth.....	27 77
			<u>1,876 00</u>

1872.			
June 1,	8,480, Wt. to C. B. Oliver and others, account their pay for May, 1872, as guards, teamster, gardener, porter and portage Capitol.....	611 67	
4,	8,583, " John Bowers, account tools furnished the gardener of the public grounds.....	26 25	
6,	8,612, " W. J. McDowell, account hauling turf for Executive grounds.....	8 00	
7,	8,647, " Sam'l McCubbin, account oats, meal and bran for State horse.....	10 20	
8,	8,668, " Nolting & Bro., account screws, twine, nails, etc., for the Capitol, &c.....	16 50	
14,	8,787, " Sower & Carper, account advertising proclamation for Governor of Virginia.....	5 00	
18,	8,885, " D. C. Lyle, Secretary of Board of Education, account expenses incurred in selling and transferring land scrip received by Com. from U. S. Government.....	78 71	
19,	8,898, " Richmond Dispatch, account advertising proclamation by the Governor.....	12 00	
28,	9,154, " S. L. Thompson, Sheriff Fairfax county, account expenses of self and guard in arresting Jacob Dixon in Washington city on requisition of Governor of Virginia,	24 80	798 13
July 1,	9,270, " C. B. Oliver and others, acc't their pay for June, 1872, as guards, &c., to Capitol.....	611 68	
5,	9,859, " H. L. Pelouze, account rent of room for six months to 1st July, 1872, by Secretary of Commonwealth for storage of books.....	60 00	
9,889,	" Mrs. Howard, account washing towels for Capitol offices.....	4 50	
6,	9,895, " Henry W. Dabney, acc't. expenses to Nashville, requisition of the Governor, for arrest of Wm. H. White, an escaped convict.....	146 45	
9,402,	" John Bowers, account articles furnished the Capitol.....	24 25	
9,418,	" S. P. Lathrop, account 7 loads of sand for Governor's garden..	7 00	
15,	9,551, " Nolting & Bro., acc't tools, &c., for public grounds.....	19 20	

1872.

July 17,	9,587,	Wt. to Richmond Whig, account publishing proclamation of the Governor, offering a reward for Jno. Fox.....	10 50
19,	9,619,	" J. W. Randolph & English, account stationery furnished Executive department.....	10 50
20,	9,629,	" E. B. Taylor, account one plater, tea-pot, &c., for Executive mansion	16 45
22,	9,651,	" Minor & Jacobs, account shoeing State horse and repairs to cart....	4 15
27,	9,788,	" City Gas Works, account gas furnished to 20th July, 1872, at the Capitol and on the square.....	260 17
80,	9,791,	" West & Johnston & Co., acc't stationery and stamps furnished Adjutant-General's office.....	15 75
	9,792,	" West & Johnston & Co., acc't stationery furnished Executive department.....	15 85
			1,206 43
Aug. 1,	9,859,	" Richmond post-office account stamps furnished the Secretary of Commonwealth.....	258 08
	9,866,	" C. B. Oliver and others, account their pay as Capitol police, Executive messenger, teamster, &c., for July, 1872.....	611 67
2,	9,890,	" H. J. Blackburn, account ice furnished the Capitol.....	49 63
3,	9,907,	" Coal & Barr, account advertising Governor's proclamation in the Abingdon Virginian.....	15 00
	9,908,	" A. J. Stofer, account advertising Governor's proclamation in Culpeper Observer.....	7 50
	9,909,	" D. A. St. Clair, account advertising Governor's proclamation in Wytheville Dispatch.....	6 50
	9,916,	" Jas. McDonald, Secretary of the Commonwealth, account telegrams, freights, &c.....	61 05
5,	9,929,	" City Gas Works, account gas used in State Library in July 1872.....	1 88
10,	10,047,	" J. F. Bland, account repairs at Executive mansion.....	24 50
26,	10,251,	" H. L. Pelouze, account rent to 1st Aug. of room in Law Library for storage of paper.....	10 00

1872.

Aug. 29, 10,888, Wt. to W. W. Berry, account advertising proclamation of Governor in the Bedford Sentinel.....	15 00
10,891, " Daily German Advertiser, account advertising proclamation of the Governor.....	12 00
10,892, " Geo. W. Anderson & Son, account upholstering done at Governor's house and the Capitol.....	61 45
	1,129 16

1872.

Sept. 2, 10,438, " C. B. Oliver and others, account their pay for Aug. 1872, as messenger, Capitol police, &c.....	611 66
8, 10,449, " Nowlan & Co., account repairing clock and ice-pitcher for Governor.....	3 50
10,456, " A. J. Vaughan, account repairs done at the Governor's house and Capitol.....	55 50
4, 10,481, " A. D. Chesterman, account meal, oats, &c., furnished for State horse	17 60
5, 10,522, " J. T. Bland, account making packing boxes, and for job work done at Capital.....	57 75
10,525, " Kellogg & Gibson, account spittoons and goblets furnished Capitol and Governor's house.....	5 25
10,584, " Richmond Enquirer Company, account publishing proclamation of Governor.....	6 00
10,548, " Virginia State Gazette, account publishing proclamation of Governor.	10 00
6, 10,552, " City Water Works, account water rent to 1st March, 1873, for Capitol, &c	96 40
10,587, " Norfolk Virginian, account advertising Governor's proclamation in regard to usury laws..	10 50
10,588, " Virginia Sentinel, (Alex.) do.....	12 75
10,589, " Alexandria Gazette, do.....	17 50
10,590, " J. H. Foster, Weekly Chronicle, do.	15 00
10,591, " Petersburg Index, do.....	14 40
10,593, " Lynchburg Virginian do.....	9 75
10,594, " Norfolk Journal, do.....	11 25
10,595, " A. Alexander Little, do	16 00
10,596, " Wm. B. Lynch, Leesburg, do.....	16 50
10,597, " M. W. Camper, Fincastle Herald, do	15 00
10,598, " Page Courrier, do.....	18 00
10,599, " Baptist & Finch, Meck'burg Sent. do	18 00

1872.

Sept. 6,	10,600, Wt. to Staunton Spectator, do.....	17 00
10,601,	" A. R. Micou, Tide Water Index, do.	12 00
10,602,	" Coale & Barr, Abingdon Virg'n, do	10 00
10,603,	" Daily Progress, Petersburg, do.....	14 60
10,604,	" Jno. Clark & Son, Warren Sent. do.	12 00
10,605,	" Roanoke Times, do.....	16 00
10,606,	" J. H. Westman & Co., do.....	12 00
10,607,	" Hunter & Hollis Winchester Times, do	10 00
10,608,	" John H. Caldwell, "Southwest Virginia Enterprise,"	10 00
10,609,	" A. J. Stofer, Culpeper Observer, do.	19 00
17, 10,814,	" Sam'l McCubbin, acc't oats, bran, and meal for State horse and deer,	11 85
21, 10,,900	" M. Ellyson & Co., acc't advertising the Governor's proclamation con- cerning usury laws in sundry newspapers.....	330 00
25, 10,965,	" West, Johnston & Co., account sta- tionery furnished Secretary of the Commonwealth and Adjutant- General.....	42 18
		<u>1,549 79</u>
		<u>26,004 88</u>
	By act appropriating the public revenue for the fiscal year 1871-2, approved 5th April, 1872, ch. 386, appropriations having been made for such year for the exterior guard at the penitentiary, and for the pay of the Adj- utant-General, the sums theretofore paid on such accounts from the Contingent Fund— \$7,155 for the first and \$600 for the last— were passed to the credit of the Contingent Fund and charged to the proper funds.....	7,755 00
	Per annual report.....	<u>\$18,249 88</u>

WM. F. TAYLOR,
Auditor Public Accounts.

Richmond, Va., Auditor's Office, Feb. 11, 1873.

SPECIAL MESSAGE OF GOVERNOR WALKER
TO THE
GENERAL ASSEMBLY OF VIRGINIA,
ON THE DEBTS OF THE STATE,
FEBRUARY 17, 1873.

The unsettled condition of our own State finances, and the want of certain statistical information, deterred me from laying before you, in my last annual message, some suggestions upon a subject of the highest importance to the whole country, and especially to the people of Virginia. And while the causes for that delay have not been entirely removed, yet the magnitude of the questions involved and the growing necessity for their early solution render a longer postponement of their consideration both unwise and impolitic.

The present condition of the country and of public sentiment justifies the opinion, that the opportune moment has arrived when the real merits of the subject to which I refer may be candidly and impartially discussed and wise and patriotic conclusions reached.

This subject embodies two propositions, distinct in character, but harmonious in the results sought to be obtained. They are, *first*, the assumption and payment by the United States Government of all the present legal indebtedness of the several States; and, *second*, to prevent the recurrence of a necessity for similar action hereafter, the solemn agreement by and between the States to abstain from contracting any debts in the future except such as may be found necessary to the legitimate and effective execution of their governmental functions, or, as may be required by sudden and great emergencies.

The former of these propositions must be accomplished by an Act of Congress, while the latter can be achieved only through an amendment to the Federal Constitution, which will require the concurrence of three-fourths of the States. I am aware that grave objections may be urged to both of these propositions, but the immense advantages which would accrue from their adoption appear to me to far outweigh them in importance. They may be opposed because of the great inequality in the amount of the debts of the several States and the consequent unequal distribution of benefits and burthens which might flow from their adoption. But this difference is more apparent than real, especially if the present market value of State securities be taken as the basis of computation. And further, while some of the States owe large debts and others comparatively little or nothing, yet, when the amount which each State contributes to the Federal revenues and the great impetus which relief from a large proportion of State taxation would give to commerce, manufactures and production of all kinds, and everywhere throughout the country, are taken into consideration, it will be found that this objection dwindles to little importance. And these considerations, to some extent, apply to another

and more potent objection which may be raised, viz: the increase of the national debt which the assumption of the State debt would cause and the deleterious effect upon our national credit which might be thereby produced.

Let us examine this objection carefully, and ascertain if it has any substantial foundation. The debts of the several States reckoned at par at the beginning of the present year, and the amount of the sinking fund or assets available for the reduction of the principal, as ascertained from their Executives or chief financial officers, were as follows:

	TOTAL DEBT.	AMOUNT OF SINKING FUND AND ASSETS.	CONTINGENT LIABILITY.
*Alabama.....	8,478,018 00	.....	8,480,000 00
Arkansas.....	5,545,000 00	.. .....	6,900,000 00
California.....	8,372,500 00	.....	1,500,000 00
Connecticut.....	5,459,000 00		
Delaware.....	1,110,000 00	.....	352,000 00
*Florida.....	1,288,697 00	.....	Not known.
Georgia.....	8,186,500 00	.....	8,208,000 00
Illinois.....	1,732,467 18	685,000 00	858,717 57
Indiana.....	4,650,880 37	112,891 48	Recognized as legal.
Iowa.....	800,000 00		
Kansas.....	1,836,675 00	185,527 84	
Kentucky.....	Sinking fund exceeds amount of State debt.		
Louisiana.....	24,098,407 90	.....	5,488,602 47
Maine.....	9,345,098 40	1,020,247 04	
Maryland.....	10,911,678 75	5,018,606 56	315,000 00
Massachusetts.....	27,692,704 00	10,454,274 08	
Michigan.....	1,768,292 78	419,778 28	
Minnesota.....	250,000 00	.....	2,275,000 00
Mississippi.....	2,870,618 68	100,000 00	
Missouri.....	18,747,000 00	221,000 00	8,000,000 00
*Nebraska.....	247,300 00		
Nevada.....	680,000 00	85,779 88	85,843 27
*New Hampshire.....	438,369 00		
New Jersey.....	2,696,300 00	1,260,044 85	
New York.....	86,574,206 40	11,187,480 56	100,000 00
†North Carolina.....	36,681,467 15		
Ohio.....	12,547,571 40	200,000 00	
*Oregon.....	106,588 00		
Pennsylvania.....	27,227,820 00	10,902,228 46	
Rhode Island.....	2,627,500 00		
*South Carolina.....	7,665,909 00		
Tennessee.....	31,585,322 08	10,618,939 89	
¶Texas.....	2,289,716 87	258,315 69	
Vermont.....	498,500 00	167,351 00	
Virginia.....	44,000,000 00	Sinking fund and assets deducted.	
West Virginia }.....	2,252,057 00		
Wisconsin.....			
Total.....	\$345,032,109 96	\$52,736,959 51	\$82,508,163 31

[NOTE.—Early in January last I addressed a circular note to the Governor of each State, requesting a statement of the exact amount of its debt, the amount of its sinking fund applicable to the reduction of the debt, together with the amount and character of its contingent liability. The above statement is made up from the responses which have been received from most of the States, and others, marked with an * † ¶, from the Census of 1870 and other public documents. As to these latter States, changes may have occurred in the amounts since 1870, but it is more than probable that the actual amounts will be found to be considerably less than those given above. The contingent liabilities generally consist of endome-

From this statement it appears that the total indebtedness of all the States, after deducting the assets which should be applied to their liquidation, amounts to the sum of \$292,295,150 45. And this sum would be further reduced by several millions if that portion of the debt of North Carolina and some other States, claimed to have been fraudulently contracted, be thrown out of the calculation. But to be entirely safe, take as a round sum \$300,000,000 (counting all bonds, fraudulent as well as the unquestioned, at par, for I propose to answer this objection even in its most questionable form), as the total of State indebtedness, and we have the utmost possible increase of the national debt, which the assumption of the State debts by the general government would cause. This sum, at five per centum interest, the rate at which the government is now funding its public debt, would annually require \$150,000,000 to meet the accruing interest thereon, and to this extent, and no more, would the burthens of the Federal treasury be increased.

But could this comparatively small sum cause any embarrassment, or necessitate any increase of Federal taxation, or affect prejudicially our national credit? Why the present revenues of the general government are sufficient to meet all its current expenses, including the interest upon the public debt, and leave a balance of nearly \$100,000,000 to be applied to the payment of the principal of the public debt, and that, too, in advance of its maturity.

Without stopping here to discuss the wisdom of a financial policy which taxes the depressed and disordered energies and industries of a people just commencing to recover from the disastrous effects of a gigantic civil war, to anticipate the payment of the debt which it necessitated before it is required by the terms of the bond, it is sufficient, for our present purpose, to note that the only change which the payment of the interest upon the total debt of the States would necessitate in the present financial policy of the Federal government, would be simply the decrease for a brief period by the sum of \$15,000,000 of the amount of the national debt, which might otherwise be annually paid. In other words, instead of annually paying as now \$100,000,000 of the principal of the public debt, we should pay but \$85,000,000, the balance of \$15,000,000 being applied to the payment of the interest upon the debt of the States assumed. The assumption and payment of the debts of the States by the Federal government would not, therefore, necessitate any increase of national taxation beyond what is now imposed, nor any increase of the revenue of the government. If the tax-payers of the nation would not be adversely affected, could the public credit suffer? I think not. The fact that we should be able, without any increase of taxation, not only to pay the current expenses of the government, together with the interest upon the whole debt thus increased, as well as to annually set aside, for a sinking fund, the amount required by law, but also, in addition to all this, to have left a surplus of \$85,000,000 to be applied to the reduction of the principal of the public debt would fully sustain our national credit at its present high standard. Public credit is based upon the abilities

of railroad bonds, which are safe and secure, and hence do not properly enter into any estimate of the actual indebtedness of the States. All educational funds invested in State bonds are included in the actual debts. The debt of Virginia and West Virginia is the amount of the principal of the debt and interest to January 1st, 1873, after deducting assets and funds properly applicable to its reduction, the same never having been apportioned between the two States. North Carolina has assets of the nominal value (with interest) of \$26,535,500, and the amount of her debt, as given above, includes her old and new debt and unpaid interest. As to whether the State debts shall be paid at their par or market value, as well as the ascertainment of the exact and proper amounts thereof after the deduction of assets, are matters of practical detail to be provided for by act of Congress.]

ity and disposition of the State or nation to meet its obligations, and both of these we have already conclusively established, to the entire satisfaction of the financial world. During the last seven years we have not only promptly met all our obligations matured and maturing, but we have also paid more than \$500,000,000 of the principal of the national debt. And these astonishing results have been achieved during a period when a depreciated paper currency unsettled values and deranged business generally, while the devastation and destruction of the late war, and the consequent poverty and suffering prevailed over one-third of the Union, and from which we have but recently begun to substantially recover. And our astonishment and admiration is increased, when we remember another important fact, that during all this time we have been gradually reducing taxation until to-day our internal taxation is less than one-third of the amount collected seven years ago. If, during such a period, we have accomplished results like these, surely the confidence of our public creditors could not be shaken by our assumption of so comparatively small an annual liability as \$15,000,000. Not only could no harm come to our national credit from the assumption of the State debts by the Federal government, but no injury could result therefrom to the tax-payers, the people of the United States.

Another objection which will be urged to the *second* proposition is, that the adoption of the constitutional amendment proposed will be another step towards centralization, another movement for the concentration of all power in the General Government. But it may be successfully answered that this amendment would confer no new or additional power upon the Federal Government. That it would be an encroachment, *pro tanto*, upon State sovereignty cannot be denied, but it must be remembered that it would be the voluntary surrender of a power by the States, the exercise of which has heretofore in most instances resulted disastrously. Its exercise has bankrupted some States, dishonored others, and in few, if any, have the benefits conferred been at all commensurate with the evils entailed. Pennsylvania and Mississippi, Maryland and Illinois in the past, and Minnesota, together with many of the Southern States, in the present, are prominent witnesses of the unwise exercise of this power. If ever useful or essential, the day for its exercise in the way of "State aid to public improvement" has passed. Whenever a State steps beyond the sphere of its legitimate governmental duties and enters the domain of private enterprise, substantial failure has been the almost unvarying result. So uniformly has this been the experience of the past, that of late the tide of public sentiment has been setting strongly in the opposite direction, and we find incorporated in many of the recently-formed State constitutions an absolute prohibition from the contraction of any debt "except to meet casual deficits in the revenue, to redeem a previous liability of the State, to suppress insurrection, repel invasion or defend the State in time of war." Such is the wise provision of our State Constitution, and this is about the scope of the proposed amendment to the Federal Constitution. Had a like clause been incorporated in the fundamental law of every Southern State, much of the wrong and disgrace which has transpired in some of them would never have occurred, and in none of them would the blighting curse of even partial repudiation obtained any countenance. If, then, the experience of both the past and the present unite in the condemnation of the unlimited exercise of this power, why not curtail it, especially if any substantial good can be accomplished thereby?

If States have found it necessary and wise to make such a law unto themselves,

why not extend the sphere of its beneficence, and by the united voluntary action of all the States make it the public, the fundamental law of the nation? I confess to an implicit faith in the doctrine of "States' rights," as I understand it, but I fail to discover anything detrimental to the true interests or sovereign rights of the States in the voluntary curtailment of their power to harm themselves. If the adoption of the amendment proposed tended to aggrandize the powers of the Federal Government, it might be objectionable, for if the prevailing latitudinarian construction of these powers be correct, then they are too great already. But it would not. It would surrender no useful or necessary powers of the States and confer no additional authority upon the Federal Government. In its full scope and meaning it amounts simply to a guarantee that if the States are relieved from their present burthens no more unnecessary debts will be contracted in the future. And this guarantee ought to be given as a protection, not only to the General Government, but to the States themselves. If all the States voluntarily unite for the purpose of liquidating all their indebtedness through the agency of the Federal Government, then the government, as well as that of each State, should have the highest assurance that no condition of affairs could again arise which might render such action necessary.

I have thus briefly noticed the chief objections which can be urged to the adoption of the two propositions mentioned, and I trust have demonstrated that they are not only not insuperable, but are rather of little serious importance when carefully and dispassionately examined.

Let us now briefly consider some of the advantages which would accrue from their adoption. The enhancement of American credit would be one of the most obvious as well as most important results. Every State bondholder would probably become a national creditor, and the diffusion of the ownership of the public debt among the people would enhance its popularity and increase its security and value. And the day would not be far distant when our national debt would be owned by American citizens just as the debt of England is owned by Englishmen.

Why is it that we are paying upon our national debt a rate of interest fully two per centum higher than English Consols bear? It is not because our debt is larger or our resources less, for the truth is our debt is but little more than half, while our resources are superior to those of England. Besides, England has reached her maturity, while America is yet in the full vigor of youth, annually developing her strength in wealth and population with a rapidity never before equaled in the world's history. As I have shown, we demonstrated our ability to successfully cope with our debt before the nation had begun to recuperate from the exhaustion of the most gigantic and destructive war of modern times, and that, too, when that debt was larger than the addition of the total indebtedness of the States would now make it.

With these incontestible facts before the world, why is it that our national credit does not command a higher value than any other? It is because (among other reasons) of the competition it everywhere meets with American State credit, and because State credit has suffered and been tarnished by the unwise and suicidal course of many States in failing to protect it. The dishonor of American State credit must of necessity exercise a depressing influence upon American national credit. The people of the States constitute the nation, and when, if ever, they become demoralized and dishonest, these elements inevitably stamp themselves upon

the national character. When the fountain becomes impure the stream will be foul. Who can estimate the unfavorable effects upon American credit, State and National, produced by the failure of Mississippi and others to protect theirs? Why it is more than probable that, measured by the depression and consequent discount upon our securities caused thereby, we have paid several times over the dishonored debts of those States. It is true, and be it said to their honor, that all of these States except Mississippi, taught by experience that "honesty is the best policy," long since removed as far as possible the stain of repudiation by redeeming their dishonored obligations; but the shock which American credit received has never been forgotten, and never will be while the power remains to repeat it. In fact its repetition is being enacted in other States to-day, and who can foresee its *extent or limitation?* The alarming attitude of a portion of the people of several of the States upon the subject of State indebtedness should awaken the gravest apprehensions of every patriot and statesman. The disease which afflicts a portion of the body politic is contagious, and may extend its ravages to the whole. If the solemn obligations of States can be repudiated, why cannot those of the nation in like manner and for like causes be set aside? There is danger ahead, unless an effective remedy be applied. The adoption of the two propositions above named would prove a most effectual means to the accomplishment of the end desired. It would at once secure the withdrawal of all State credits from the money markets, both foreign and domestic, and would leave our national securities to free, untrammeled competition with those of other nations. The only American public securities which would be known upon the market would be our national bonds, and this alone would largely enhance their position and strength. The constitutional prohibition upon the States from again incurring extravagant expenditures, in aid of what are popularly styled "public improvements," would be a gratuity, not only to the people but to capitalists, that the disastrous consequences to public credit thereby caused in the past as well as the present would not again occur. Again, as the people are relieved from State taxation, in a corresponding degree will their ability to respond to national requirements increase. And this is true, even should there be no increase of prosperity. But who can doubt that the permanent removal of all the burthens of State indebtedness from the people would stimulate and enhance their prosperity in an increased and increasing ratio? Not only would the burthens of national taxation diminish as prosperity increased, but national credit would rise and strengthen as its basis was broadened and fortified by the universal thrift of the people. But not alone in these respects would our national credit be benefited. The extinction of State indebtedness and its interdiction for the future would place our national credit upon so firm and enduring a basis, that in a few years our whole debt might be funded into new bonds, bearing no higher rate of interest than the public debt of England. The annual interest which might thus be saved, would soon extinguish the entire State indebtedness assumed by the government. The reduction of the rate of interest upon our public debt is "a consummation devoutly to be wished," not only because it would secure a corresponding reduction in tariffs and taxation, but for the more potent reason, that until that shall be accomplished, high rates of interest must prevail upon all other credits. So long as the government is a borrower in the market at a high rate of interest, so long will money command a *higher* rate of interest upon all other securities. You may fill your statute books with the most rigid usury laws, you may solemnly decree it a capital offence to take more than a given rate of interest for

the loan of money, yet so long as the government is a borrower at a higher rate, that and not your statutory rate will control. The price of money, like that of every other commodity, is controlled by a higher than a statute law—*the great law of supply and demand*. When the supply exceeds the demand, money will be cheap, but when the demand exceeds the supply, high rates of interest will obtain. When the demands of the government are so much in excess of the supply as to compel it to pay a high rate of interest, all other demands will be supplied, if supplied at all, at just so much higher rates, as the securities offered are considered inferior or less desirable than those of the government. The rates of interest upon all securities, both public and private, are too high in this country. They ought to be, and must be reduced, or financial disaster will sooner or later inevitably overtake us. But the true, if not the only feasible mode of compassing this end, is to begin with our public securities. Reduce the rate of interest upon them, and all others will follow in their wake. How this commencement may be successfully made, and how the end desired can be the most surely and speedily attained, I have, I trust, partially at least, if not fully and successfully, demonstrated.

In discussing the advantages to our national credit which would accrue from the action proposed, I have necessarily anticipated some of the benefits which would result therefrom to the people of the States. A high national credit is a great blessing of itself, and one participated in by all of the people. So likewise are low taxes, tariffs and rates of interest, all of which may be approximated through the instrumentalities mentioned. But one of the principal as well as more immediate advantages which relief from the great incubus of State debt will secure to the people, will be found in the almost universal revival and increase of the productive industries of the country. The entire body politic will be reinvigorated and imbued with new life and energy, and our industrial and financial interests will gravitate towards a sounder and healthier basis. The wealth of the country will be employed in the development of its resources rather than in speculating upon its necessities, and mining, manufacturing and commercial enterprises will be successfully inaugurated everywhere. Freedom from heavy local taxation and protection against it in the future will prove one of the highest inducements for immigration, and the influx of capital. Especially will these results be realized in the Southern States. The losses in values to the people of these States by the late war were probably equal to, if not greater than the present total amount of the national debt, and they emerged from the fearful ordeal stripped of nearly all their possessions save their desolated lands. But their debts remained and have since been largely added to both by unpaid interest and the creation of new debt, until to-day some of them are forced into a condition of dishonor in consequence of their inability to meet all their liabilities. And while they have partially recovered from the social difficulties, political embarrassments and corrupt and demoralizing influences which compassed them about and still further sapped their substance and paralyzed their efforts, they have not regained their prosperity, and debt and taxation still weigh heavily upon them. But notwithstanding their depressed and impoverished condition, they are compelled to contribute their full quota to the national revenue in due proportion with the prosperous North, and that, too, without realizing in a corresponding degree the advantages of large governmental disbursements in their midst. The State of Virginia alone annually pays into the Federal treasury a sum more than three times larger than the amount of both the interest upon her public debt and entire disbursements of the government within her borders.

When all these facts and figures are carefully considered, some reasonable estimate can be formed of the wisdom, the necessity, and the justice of the action proposed, as well as the immediate and almost inestimable advantages which would accrue to these States in particular, and to a large extent to the whole country, by their prompt relief from the oppressive burthens of State debts. While the revival of prosperity throughout the South would be of more immediate consequence to her citizens, its beneficial effects would be shared in by the people of the whole country. No one section of our country can retrograde or advance without its influence for good or ill being felt by all of the others. It is true that the States owing the larger debts would at first be the greater beneficiaries, yet each succeeding year would lessen the differences and tend to equalize the advantages, and all, at all times, would realize the good effects of assured credit, reduced taxation, low rates of interest, renewed and reinvigorated industry and prosperity, and universal advancement and development. I know of no measure which could be devised of more general advantage to the people, or more beneficial to their interests and well being, nor one which would tend in an equal degree *to unite and harmonize the whole country, and obliterate the last vestiges of sectional differences and antagonisms.* To the people of our own State it would afford especial and additional relief. It would lessen the burthens of our State taxation by at least two-thirds in amount, and with proper legislation the real estate of the Commonwealth might, in a brief period, be relieved from the remainder. It would banish from our Legislative halls, and from our local politics, that troublesome, if not dangerous subject, the "State debt," and confer upon us all the benefits which the most favored could realize.

If the General Assembly should concur with me in these propositions, I would respectfully recommend that prompt action be taken to invite the co-operation of our sister States in their support, and that our representatives in both Houses of Congress be requested to use their best efforts to secure the necessary action on the part of the National Legislature.

It is proper, perhaps, that I should add, that since this paper has been in course of preparation some discussion has occurred upon a proposition that the United States Government, and not the State of Virginia, in reality owes our debt contracted prior to 1861, for the reason that the disruption of the State and the destruction of values by the war was the act of that government, and because of the magnificent domain which Virginia at an early day ceded to the Federal Government. While there may be some equity in the latter reason, as to the former it is sufficient to say that, even if it ever possessed any force, it is now too late to question our liability for that debt after the same has been recognized by four different Legislatures, affirmed by our Supreme Court of Appeals, and sanctioned by the people themselves in the adoption of our present Constitution, all of which has occurred since the war. I have also within a few days observed some newspaper paragraphs indicating that an attempt was to be made to induce the Federal Government to assume and pay the *ante bellum* debts of the Southern States, but every reason which can be urged in favor of such a plan applies with far greater force to the propositions above suggested, while the many additional reasons which may be urged in favor of the latter do not apply to the former, and more objections exist to the former than can be urged to the latter.

GILBERT C. WALKER.

SENATE DOC. NO. XVII.

COMMUNICATION

FROM THE

SUPERINTENDENT OF PUBLIC INSTRUCTION

IN RESPONSE TO A

RESOLUTION OF THE SENATE CALLING FOR INFORMATION AS TO
THE FINANCIAL CONDITION OF THE PUBLIC
FREE SCHOOL SYSTEM.

OFFICE SUPERINTENDENT PUBLIC INSTRUCTION,

MARCH 14, 1873.

To the Honorable Senate of Virginia:

I have received the following resolution passed by your body on yesterday:

"Resolved, That the Superintendent of Public Instruction be requested to inform the Senate what is the present financial condition of the public free school system of the State, and whether any necessity exists for special action by this General Assembly."

In reply, I beg leave to say that the financial condition of the public school system is not satisfactory—far from it. The alarm sounded in my last annual report concerning the serious diminution in the proceeds of the State school tax of 1871 as compared with that of 1870, must be repeated with increased emphasis concerning the tax of 1872. The tax of 1870 yielded \$485,182; the tax of 1871 yielded \$315,428—an ominous falling off. But the tax of 1872, from which the schools are now supported, up to this day, including balances received into the treasury on account of taxes of former years, has yielded only \$184,672—a falling off of \$180,756 from that of last year, and of \$250,510 as compared with the year previous. Moreover, there was for use during the last school year an unexpended balance from the previous year of \$89,000, and upwards of \$31,000 from the Literary Fund, which, added to the \$315,428, gave the schools \$385,428 of State money against \$184,672 for the current year. Practically, the diminution is greater than these figures indicate, because more of the funds pertaining to this year had to be used in discharge of unpaid liabilities from last year, in consequence of the fact that the aggregate of unexpended balances in the districts returned to the State treasury was much smaller than it was the previous year; in fact, not sufficient to pay those liabilities, according to the best information I have.

This falling off in the State revenue is all the more disastrous to the school interest on account of the severe restrictions placed upon counties and districts in regard to raising supplementary funds. In consequence of the act passed a year ago, there has been a curtailment of at least \$200,000 in the local revenues for the current year.

Altogether, as matters now stand, we have before us the frightful deficit in our total school revenues of \$400,756 as compared with last year—a difference of more than one-half of the total amount received from public funds.

It is of course seen at a glance that the result must be a corresponding curtailment of the means of education among the people, unless something be done immediately to avert the dire calamity. Besides the actual loss of educational privileges, there must occur a poignant sense of disappointment to parents and the friends of education generally, and a shock to the public sentiment of the State, which is wholly unprepared for this sudden collapse of our school system.

At the beginning of the present school year (September 1), it became the duty of school officers to provide as many schools for the people as, upon a reasonable calculation, could be supported. They had a right to expect from the State not less than was received last year; indeed, they might reasonably have anticipated some increase of revenue in consequence of the large amount of delinquent or deferred taxes from the previous years. They were abundantly cautioned, however, to avoid running unnecessary risk, and I have no reason to believe that they have been imprudent in this regard. Still, I believe that, except in the cities and larger towns which have enjoyed more liberty of local taxation, the entire income from all sources has been expended, and that the schools in the large majority of the counties are now, and have been for weeks, carried on in anticipation of funds yet to be received. Two months ago, I made a second apportionment, which, together with the first, distributed almost the exact amount which is herein reported as the total income from the State. This was done partly in expectation of what has occurred, viz: that before all the drafts would reach the treasury, sufficient funds would be on hand to meet them.

I have hitherto withheld from the school officers the information herein contained, earnestly hoping that by some means the schools might be kept in operation. Had the bill ordering the payment of \$90,000 interest on the Literary Fund been passed, the schools might have been allowed to continue until there were further developments with regard to the proceeds from the State tax. It is painfully evident that immediate action of some sort is necessary in order to avert a catastrophe to our educational interest. With regard to the taxes yet to come in, it is highly important that some action should be taken which will insure the payment in money—not coupons—of the portion set apart by the Constitution for the support of the public free school system. On this point, relief might be afforded by authorizing the Auditor immediately to place to the credit of the school fund such amount as in his opinion would accord with the share of the taxes yet to come in for school purposes.

In conclusion, I would take the liberty of saying that the only possible method for avoiding perturbations like this in the future, is to allow a larger liberty to counties and districts in providing themselves with the means of education for their own children.

Respectfully submitted,

W. H. RUFFNER,
Supt. Pub. Instruction.

REPORT OF

SPECIAL JOINT COMMITTEE APPOINTED TO INVESTIGATE THE
MANAGEMENT OF THE

CENTRAL LUNATIC ASYLUM.

To the General Assembly of Virginia:

The undersigned "Special Joint Committee," appointed by the Legislature of Virginia, three on the part of the "House," and two on the part of the "Senate," to investigate the affairs of the "Central Lunatic Asylum," after a thorough and patient investigation into the condition of things from the establishment of the "Institution" to the present time, beg leave to submit the following report:

The management of the Asylum is good, and, from the evidence elicited, nothing criminal can be laid to their charge. But as far as the most minute examination could develop facts, it tends to show that the officers in charge of the "Asylum" have been unremitting in their endeavors to secure benefit to the patients. It is true that two births have occurred at the "Asylum"—children born of lunatics; but the management is, in the opinion of your committee, entirely free from all criminality in this matter; the evidence going to show that in one case a colored employee was implicated, and for which he was discharged. The evidence as to his guilt being from the woman, who is a lunatic, was held to be inadmissible in law; and therefore no punishment could be visited upon the supposed guilty party. In the other case nothing tangible could be elicited. The attendants, with one exception, seem to be all that can be required of them. The attendant whom we except as being unworthy, is a colored man—an attendant in the female department of the "Asylum"—his name is William Singleton; and from the evidence elicited, it was clearly proven that he was addicted to drunkenness. He is still retained at the "Institution," he having promised the management that he would reform. Your committee, however, is of the opinion, that drunken men being unable to take care of themselves, certainly cannot take care of others. The "Asylum" buildings are wooden structures, not at all adapted to the purpose for which they are used. The buildings are out of repair and not as spacious as they should be, owing to which fact some irregularities have occurred. We hope the "General Assembly" will at once provide as the necessities demand, for these unfortunates.

J. W. B. MATTHEWS

JOHN K. CONNALLY, C'hm Committee,

W. W. DOUGLAS, Secretary,

JOHN D. BUTLER,

R. G. GREENE.

REPORT OF
Committee on Roads and Internal Navigation
IN RESPONSE TO
RESOLUTIONS
OFFERED BY THE SENATOR FROM SCOTT AND RUSSELL
CONCERNING THE
Atlantic, Mississippi and Ohio Railroad Company.

REPORT.

The Committee on Roads and Internal Navigation repectfully submit the following report in response to the resolution offered by the Senator from Russell, concerning the Atlantic, Mississippi and Ohio Railroad Company.

Certain questions having been propounded by the Senator from Russell, based upon the charges and allegations contained in the proceedings of the meeting of citizens in Scott county, the committee have presented those questions as a part of this report, and have given in response thereto such information as could be obtained by evidence to them presented, and by an investigation of the records of the Board of Public Works.

ANSWERS TO QUESTIONS.

Questions Propounded by the Senator from Scott and Russell.

1st. What were the considerations and conditions upon which the State's interest in the Norfolk and Petersburg, South Side, Virginia and Tennessee, and the Virginia and Kentucky Railroads was transferred to the Atlantic, Mississippi and Ohio Railroad Company?

2nd. What is the quantity and present and par value of the stocks, and what the real value of the property in the above-named roads at the time of the transfer?

3rd. What was the amount of the debts that the State held against these roads that the State sold and transferred to the Atlantic, Mississippi and Ohio Railroad Company, and were said debts bearing interest?

4th. What considerations were paid or to be paid for the railroad stocks, property, and debts to the State by the Atlantic, Mississippi and Ohio Company?

5th. What is the par value of the State's interest in the Virginia and Kentucky Railroad? How much of the State's subscription to this road has been paid, and can the unpaid balance be collected from the State by the Atlantic, Mississippi and Ohio Company?

6th. Has the Atlantic, Mississippi and Ohio Company violated any of the provisions of their charter by not having commenced the Virginia and Kentucky Railroad as contemplated by their charter?

7th. Is not the construction and equipment of the Virginia and Kentucky Railroad within six years after the passage of the Atlantic, Mississippi and Ohio charter one of the conditions upon which the State transfers her interest in the several lines of railway to the Atlantic, Mississippi and Ohio Company?

8th. What amount of the \$15,000,000 has been borrowed by the Atlantic, Mississippi and Ohio Company, as authorized by their charter, and how has said amount been applied?

9th. Did the Atlantic, Mississippi and Ohio Company in the stockholders' meeting of the East Tennessee, Virginia and Georgia Railroad Company, held at Knoxville, Tennessee, endeavor to purchase a majority of the Stock in said road from Bristol to Chattanooga?

ANSWERS TO QUESTIONS.

1. The consideration and conditions on which the State's interest in the various roads was transferred to the Atlantic, Mississippi and Ohio Railroad Company, are stated so distinctly in the act of incorporation of June 17th, 1870, that it is deemed unnecessary to repeat them here.

2. The quantity and value of the stocks transferred by the State is found to have been as follows:

Road.	Shares.	Par Value.	Market Value.
Norfolk and Petersburg.....	12,000	\$100	\$15
South Side	8,035	100	10
Virginia and Tennessee	23,000	100	20
Virginia and Kentucky.....	1,084	100	none.
Total.....	44,069		

The par value of which was \$4,406,900; and the market value (as nearly as can be ascertained by the committee) \$720,350.

3. The face value of the claims and debts held by the State against the Norfolk and Petersburg, South Side, and Virginia and Tennessee Roads was \$1,964,230 39, made up as follows:

NORFOLK AND PETERSBURG ROAD:

Two negotiable notes given in payment for interest and not then due, - - - - -	\$ 40,496 41
Balance due on State Loan, - - - - -	136,591 64

	\$177,088 05

SOUTH SIDE ROAD:

Balance due on State Loan, principal and interest sus- pended for twenty years, payable after 1st mort- gage of the Company had been satisfied, - - - - -	\$708,102 34
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VIRGINIA AND TENNESSEE ROAD:

Claim for State Loan which had been duly paid as evidenced by the receipt of the proper State officers, held by the Company, - - - - -	\$1,000,000 00
Certificate for past due interest, - - - - -	79,040 00

	\$1,079,040 00

Of the above amounts, \$136,591 64 against the Norfolk and Petersburg, and \$79,040 against the Virginia and Tennessee roads—together, \$215,631 64 carried interest, and this amount, with the two notes of the Norfolk and Petersburg Railroad for \$40,496 41—in all, \$256,128 05, was good for the face value thereof.

To understand the value of the claim against the South Side Road for \$708,102 34, it will be necessary to consider that ahead of it there was a mortgage debt of \$1,750,000; but apart from this, the question would be to determine what sum of money, placed at interest on the 17th of June, 1870, at the expiration of twenty years, to which period the rights and claims of the State to this debt had been postponed by law, would produce \$708,102 34. The sum thus required, by approximate calculation, would not exceed \$160,000, which may be taken as the cash market value of that claim.

The claim for \$1,000,000 against the Virginia and Tennessee Road, it was generally conceded could not be sustained against that company, and it was only enumerated in the transaction and settlement with the State as a more direct and summary method of disposing of any doubt which might exist in the premises. In summing up the actual value of the claims surrendered by the State, giving to each its market value, we have the whole amount as \$426,128 05 which, when added to the market value of the stocks transferred, say \$720,850, makes a total of \$1,146,-478 05 of actual values surrendered by the State, for which the Atlantic, Mississippi and Ohio Company was to give, and the State has received, its obligation for \$4,000,-000, as appears from the deed of the Company to the State, dated 22d December, 1870.

4th. See answer to first question.

5th. The State holds no interest in the Virginia and Kentucky Road; the par value of the stock in that road transferred by the State to the Atlantic, Mississippi and Ohio Company was \$103.400; its actual value was nothing; the property it represented as appears by subsequent investigation was and is, even for railroad purposes, of an insignificant relative value to the amount paid therefor; the organization of the Company had been of doubtful legality; its procurement of State aid, so far as acquired, of doubtful propriety; and the expenditure of the State's money (for it does not appear that there was contributed over \$2,000 from any other quarter), would seem to have been reckless and without a purpose.

The State had paid \$103.400 on account of this road, it being a subscription alleged to be *pari passu* with the private shareholders, and this amount was paid upon the express condition that the work was to progress upon satisfactory assurances that the road was to be met at Cumberland Gap by the Kentucky Railway system. The Act of Assembly, under which the Virginia and Kentucky Road was organized, authorizes a subscription by the Board of Public Works to the capital stock of that Company of \$1,500,000 upon two conditions precedent; first, that no part of the sum so authorized should be subscribed by the Board of Public Works until said Board had received satisfactory assurances that this proposed work would be met at Cumberland Gap by the Kentucky Railway system; and second, that such subscription of \$1,500,000 should only be made and payment thereof authorized *pari passu* with subscription and payment by others than the State—that is to say, that for \$200 subscribed and paid by others than the State, the Board were authorized to subscribe and pay \$300 on behalf of the State; it was not a direct subscription of \$1,500,000; it was a conditional and contingent, not a positive, liability.

Under some manner of assurance, which, as will hereafter appear, was not satisfactory or such as was contemplated by law, the Board of Public Works, had, prior to August 22nd, 1868, actually subscribed and paid on account of this work the sum of \$103,400 when as appears from the following resolution:

* * * * *

Resolved, That the Virginia and Kentucky Railroad Company be informed that there are no funds in the Treasury applicable to the payment of subscriptions, and that the Board of Public Works have reason to believe that the laws, with regard to subscriptions, have not been complied with by them, and therefore said Company have no ground, by which they can be sustained, in presenting a draft on account thereof,

* * * * *

the Board determined that no further subscription or payment to the Virginia and Kentucky Company could be made under the law.

That the balance of the subscription, contemplated by law, could never have been

collected, of the State, by the Virginia and Kentucky Company, is manifest when we take into consideration the provisions of the Constitution found in article X, which read as follows:

SEC. 7. No debt shall be contracted by this State except to meet *casual deficits* in the revenue, to redeem a previous liability of the State, to suppress insurrection, repel invasion, or defend the State in time of war.

SEC. 10. No money shall be paid out of the State Treasury except in pursuance of appropriations made by law, &c.

SEC. 12. The credit of the State shall not be granted to or in aid of any person, association or corporation.

SEC. 13. No scrip, certificate or other evidence of State indebtedness shall be issued, except for the redemption of stock previously issued, or for such debts as are expressly authorized in this Constitution.

SEC. 14. The State shall not subscribe to or become interested in the stock of any company, association or corporation.

SEC. 15. The State shall not be a party to or become interested in any work of internal improvement, nor engage in carrying on any such work otherwise than in the expenditure of grants to the state of land or other property.

Even if there was not positive prohibition here, the two conditions before adverted to and upon which any subscription on the part of the State was by the original law expressly predicated, are such as would seem to preclude the bare possibility of ever collecting any thing more from the State. For if that assurance on which the scheme was expressly founded—the extension of the Kentucky Railway system to Cumberland Gap—an assurance which has not yet been received, should come, it would be difficult to understand by what process the State could be made to make payment on account of such subscription, for the Constitution expressly prohibits the creation of any further debt, and it is clear that the State has more than she can do to handle the debt already upon her. If this was not so, from what quarter can it reasonably be expected that the two-fifths, private subscription, of \$1,000,000 could be had, the procurement of which was essential to any subscription and payment upon the part of the State. The past history of the Virginia and Kentucky Company precludes the idea that its construction could ever be secured as an independent work under the auspices of an independent organization, and especially so, when it has now been ascertained that the cost of the work, by any route which may be taken would not fall short of \$6,000,000 of money, nearly double the delusive estimates on which the undertaking was entered; and when now it has been ascertained (as we have been informed,) by definite survey that the difficulties to be encountered not only render the *construction* of the line much more expensive than had been foretold, but would necessitate a work more costly to *Maintain* and *Operate* than had been anticipated. Then it would seem scarcely to be necessary to say that the Atlantic, Mississippi and Ohio Company can never collect from the State any part of such proposed subscription to the Virginia and Kentucky Road even if such a conclusion is not plain from the very terms of its charter.

6th. The Atlantic, Mississippi and Ohio Company has not (so far as is known to the committee) violated any of the provisions of its charter. That instrument provides no time for the commencement of work upon the Virginia and Kentucky line; it conditions that the work shall be *completed* within six years from the passage of the act. The Atlantic, Mississippi and Ohio Company in the pursuit of the single purpose on which the Virginia and Kentucky Company was founded, has actually begun the work, in so far as to make every preparation, by survey and otherwise,

essential to the prosecution of its construction. It has expended, it appears, over \$38,000 in surveys and settlement of claims; and, so far, has not received any assistance in the way of private or corporate contribution from those who are locally interested in its construction. It has made efforts to obtain that assurance which would ensure a connection with the Kentucky railway system at Cumberland Gap—a condition and object constituting the very essence of the enterprise.

7th. See answer to 6th question.

8th. We are informed by the officers of the company that, of the \$15,000,000 loan authorized by the charter \$5,500,000 have been set aside to secure the existing liens upon the various companies consolidated; \$5,500,000 have been sold, and the proceeds used to discharge the floating debt of the company, stated at the time to have been as near as may be, \$2,800,000; to reconstruct the line in operation and enlarge its capacity; and, in the preliminary work on the Virginia and Kentucky line. Four millions in bonds are still in hand, as we are informed by the management.

9th. From the information before the committee it appears that the Atlantic, Mississippi and Ohio Company made no offer to purchase a majority of the stock in the East Virginia, Tennessee and Georgia Railroad.

All which is respectfully submitted,

W. H. TAYLOR, Chm'n Committee.

[ADDENDUM.]

[Copy.]

At a meeting of the Board of Public Works, August 22d, 1868, the Board, after considering the application of the Virginia and Kentucky Railroad Company for further subscription on the part of the State to said company, and for the payment of a draft for the same, do

Resolve, That the Virginia and Kentucky Railroad Company be informed that there are no funds in the Treasury applicable to the payment of subscriptions, and that the Board of Public Works have reason to believe that the laws in regard to subscriptions have not been complied with by them, and therefore the said company have no ground by which they can be sustained in presenting a draft on account thereof.

True copy.

(Signed)

THOS. H. DE WITT,
Secretary Board of Public Works.

COMMUNICATION FROM THE GOVERNOR

TRANSMITTING A STATEMENT OF THE PARTICULARS OF EVERY
CASE OF FINE OR PENALTY REMITTED, OF REPRIEVE
OR PARDON GRANTED.

To the General Assembly of Virginia:

In obedience to the requirements of Section 5, of Article iv, of the Constitution, I herewith communicate to the General Assembly, the particulars of every case of fine or penalty remitted, of reprieve or pardon granted, and of punishment commuted, with my reasons for remitting, granting or commuting the same, during the year 1872. There were ninety-six applications during the year, of which there were granted, eight unconditional and five conditional pardons, and one commutation.

GILBERT C. WALKER.

1. Woody Ruffin, convict in penitentiary (colored), convicted of murder at the January term, 1871, of the Circuit Court of the City of Richmond, and sentenced to be hanged on February 8th, 1872, sentence commuted to imprisonment for life, for the following reasons: Because the circumstances attending the commission of the crime, as well as the mental condition of the prisoner (nearly idiotic), as disclosed in the record, and represented by the judge who tried and sentenced, and the Commonwealth's Attorney who prosecuted him, and by others, was not such as call for or warrant the infliction of the extreme penalty of the law.

2. Johnson H. Sands of the city of Richmond, convicted of forgery at the September, 1871, term of the Hustings Court of the city of Richmond, and sentenced to imprisonment in the penitentiary for the term of two years; pardoned February 10, 1872, for the following reasons: Because the judgment of the court below was affirmed on appeal in the Supreme Court of Appeals by an equally divided court upon a point of evidence certified by the Commonwealth's Attorney, to be of the highest importance, and without which it is doubtful if a conviction could have been had. The petitioner has been tried three times; on the first trial he was convicted and sentenced to imprisonment for five years, but the judgment was reversed on appeal; on the second trial the jury failed to agree, and on the third trial, the jury convicted him, but fixed the term of imprisonment at the minimum term, and eleven of them signed a petition praying for his unconditional pardon. This petition was signed by two-thirds of the members of the Richmond bar, by several members of the General Assembly, and by nearly five hundred other good and worthy citizens of the Commonwealth.

3. Lizzie Anderson of Richmond city (colored), convicted of forgery at the February, 1872, term of the Husting's court of the city of Richmond, and sentenced to imprisonment in the penitentiary for the term of two years. Punishment reduced to imprisonment in the city jail for ninety days, February 20, 1872, for the following reasons: That owing to the ignorance and extreme youth of the petitioner, being but thirteen or fourteen years of age, it is altogether probable that she understood neither the nature nor magnitude of the offence she attempted to commit, but failed. This was evidently the view of the case taken by the court, Commonwealth's Attorney, and jury by whom she was tried, and who recommended her to Executive clemency. This recommendation is also made by a large number of the members of the Richmond bar, and other prominent citizens.

4. William Gleir, of Chesterfield County, convicted of larceny at the November, 1868, term of Chesterfield County Court, and sentenced to imprisonment in the penitentiary for five years. Pardoned February 21, 1872, for the following reasons: Because the surgeon of the penitentiary certifies that the petitioner "is on the verge of death—he cannot live over a month, or two, at most; he has consumption;" and even were this not true, he has undergone sufficient punishment already.

5. Lawrence Murphy, of Richmond city, convicted of felony, at the April, 1872, term of the Husting's court of the city of Richmond, and sentenced to imprisonment in the penitentiary for the term of three years. Sentence commuted to imprisonment in the city jail for the term of twelve months, May 18, 1872, for the following reasons: Because the circumstances attending the commission of the offence charged were such as to render it exceedingly doubtful whether the petitioner should be held to a strict accountability for his acts. The court, Commonwealth's Attorney, members of the jury, officers of the state government, and many other good citizens ask for a mitigation of the severe sentence pronounced. The petitioner has always borne an unblemished reputation, and one year's confinement in the city jail is deemed sufficient punishment.

6. Andrew J. Moore, of Alexandria city, convicted of subornation of perjury, at the October, 1871, term of the Corporation court of the city of Alexandria, and sentenced to pay a fine of one cent, and to be imprisoned in the county jail for a term of one year, and declaring him forever incapable of serving on a jury, giving evidence as a witness, or holding any post mentioned in the 1st section of chapter 12 of the Code of 1872. Pardoned June 1st, for the following reasons: Because the judge who presided at the trial of the petitioner, and Commonwealth's Attorney who prosecuted him, urge his pardon, because the law has been vindicated—the former regarding the criminal act charged, "as more a criminal carelessness than a deliberate determination to induce crime, and the latter, while considering the conviction technically correct, yet that all the good has been done which could be accomplished by further punishment. The Attorney General and other citizens also recommend the pardon.

7. Robert Johnson, of Richmond city, convicted of larceny at the November, 1870, term of the Husting's court of the city of Richmond, and sentenced to imprisonment in the penitentiary for the term of five years, on condition that he immediately leave the state, and never return. Pardoned July 8, 1872, for the following reasons: Because the surgeon of the penitentiary certifies that the petitioner "is rapidly wasting away with consumption," and can live but a short time. Pardon petitioned for by forty-three members of the Pennsylvania Legislature, and by two hundred citizens of Philadelphia.

8. Albert Harrold of Fredericksburg, convicted of robbery from the person at the July term, 1868, of the corporation court of the city of Fredericksburg, and sentenced to imprisonment in the penitentiary for the term of eight years. Pardoned July 5, 1872, on condition that he leave the State, never more to return, for the following reasons: That the prisoner has been (in the language of the Surgeon of the penitentiary) "rendered a cripple for life, having lost his left eye and right arm while at work" as a convict at Lewis' Tunnel on the Chesapeake and Ohio Railroad, from which his physical suffering has been very great. His pardon is earnestly urged by the Superintendent and Board of Directors of the Virginia Penitentiary, and he has already served out four years of his term of imprisonment.

9. Melvina Harrison, alias Melvina Craddock, alias Melvina Brown of Amelia county (colored), convicted of bigamy at the November, 1870, term of Amelia county court, and sentenced to imprisonment in the penitentiary for the term of four years. Pardoned July 8, 1872, for the following reasons: Because the law passed the 27th of February, 1866, under which the petitioner was convicted, has been held by at least one of our circuit courts to be unconstitutional, so far as its provisions may be construed to be *punitive* in their operation, and in this conclusion I fully concur.

10. Peter Taylor of Brunswick county (colored), convicted of larceny at the May, 1872, term of Brunswick county court, and sentenced to imprisonment in the penitentiary for the term of three years. Pardon July 10, 1872, for the following reasons: That the jury by whom he was tried, in their verdict strongly recommend the petitioner to Executive clemency, in which recommendation the Judge, Commonwealth's Attorney, and the other officers of the court, and nearly all the members of the bar, unite—the Commonwealth's Attorney subsequently stating in writing that facts had come to his knowledge since the trial which, if he had known at the time, he should have felt it his duty to enter a *nolle prosequi*.

11. Martha Deford of Norfolk county (colored), convicted of murder in the first degree at the June, 1872, term of Norfolk county court, and sentenced to be hanged on the 1st day of August, 1872. Sentence commuted to imprisonment in the penitentiary for the term of her natural life, July 27, 1872, for the following reasons: That no intent to commit murder was shown on the trial. This was a case of arson, which, under our statute, is punishable with death; and although the death of an infant was the result of the crime intended to be committed, yet that result manifestly formed no element of the original intention, nor was it anticipated. The Judge before whom the case was tried, members of the jury, the Mayor of the city of Portsmouth, and other officials, and nearly all the members of the bar and other good citizens, recommend the commuting of the sentence of the court to imprisonment for life.

12. Edgar Allan of Prince Edward county, convicted of misdemeanor (dealing "chuck-a-luck") at the May, 1872, term of Prince Edward county court, and sentenced to pay a fine of \$500 and be imprisoned in the county jail for the term of four months. August 9, 1872, pardon issued, remitting so much of the sentence of the court as orders that the defendant be imprisoned in the county jail for the term of four months, for the following reasons: That the Judge before whom the prisoner was tried, after an examination of the certificates of physicians, affidavits and other papers accompanying the petition for pardon as to the failing health of the petitioner, recommended him to Executive clemency, he having already served out three-fourths of his term of imprisonment.

13. Peter Wallace of Powhatan county (colored), convicted of petit larceny on the 12th of Sep'tember, 1872, by a magistrates' court, and sentenced to imprisonment in the county jail for the term of sixty days. .Pardon October 15, 1872, for the follow-

ing reason: Because the magistrate who tried the case, subsequent to the trial, from after-discovered evidence, became convinced of the boy's entire innocence, and so officially certified, and his certificate was fully sustained by sworn testimony of respectable citizens.

14. Harold P. Read of Bedford county, convicted of malicious shooting at the August, 1872, term of Bedford county court, and sentenced to imprisonment in the penitentiary for the term of two years. December 23d, 1872, sentence commuted to imprisonment in the county jail until January 24, 1874, for the following reasons: In my judgment, the evidence did not warrant the verdict of the jury, and consequently I have reduced the punishment to correspond with my views as to what the verdict should have been. While the Judge who tried the case, the circuit court to which it was appealed, and a majority of the Judges of the supreme court of appeals deemed the evidence sufficient to uphold the verdict, yet two of the five Judges of the highest judicial tribunal of the State held that the judgment of the court below should be reversed as against the evidence, and the county Judge stated that he would not have agreed to the verdict had he been a member of the jury. The petitioner is recommended to Executive clemency by the Judge who tried and the Commonwealth's Attorney who prosecuted the case, by twenty-eight members of the General Assembly, and by four hundred officials and citizens of Bedford, Campbell, Nelson and Amherst counties and the city of Lynchburg.

15. John Appleby of Prince William county (colored), convicted of arson at the December, 1872, term of Prince William county court, and sentenced to be hanged on the 7th day of February, 1878. December 26, 1872, sentence commuted to imprisonment in the penitentiary for the term of ten years, for the following reasons: Because of the youth of the convict, he being but about eleven years of age; on which account, and because it was his first offence, the Judge, Commonwealth's Attorney, and jury (in their verdict), by whom he was tried earnestly recommended the commutation of the sentence.

16. James Brooks and Robert Taylor of the city of Richmond (colored), convicted of barn-burning at the September, 1872, term of the hustings court of the city of Richmond, and sentenced to imprisonment in the penitentiary for the term of three years. Pardon December 31, 1872, for the following reasons: These prisoners were mere children, too young and too ignorant to fully comprehend the nature or consequences of their acts. Judge Guigon, before whom these lads were tried, states, "The jury was compelled upon the law and the evidence to give their verdict and I to sentence these children to the penitentiary, however painful these duties. I am constrained to say that the laws for the punishment of such offenders are so defective, that while I believe these children should be punished by some restraints upon their liberty and made to feel the effects of their bad conduct, I am compelled to ask that the sentence of the law may not be carried out." The jury and Commonwealth's Attorney unite in the recommendation, as well as other good citizens. These boys were imprisoned in the city jail over four months.

WASHINGTON: HIS PERSON AS REPRESENTED BY THE ARTISTS.

The Houdon Statue, Its History and Value.

“A fac-simile of Washington’s Person.”

LAFAYETTE.

PUBLISHED BY ORDER OF THE SENATE OF VIRGINIA.

R. F. WALKER:
SUPERINTENDENT OF PUBLIC PRINTING.
1873.

"Resolved, That the history of the Houdon Statue, written by Col. Sherwin McRae, be printed for the use of the Legislature, and that the same be issued with the public documents, and five hundred additional copies be printed for distribution among the members of the Senate."

JOURNAL OF THE SENATE OF VIRGINIA, March 31st, 1878.

History and Value of the Houdon Statue.

By SHERWIN McRAE, Esq.

Houdon's Statue of Washington is interesting to mankind as the most perfect representation of this peerless man that exists. While it is the cherished object of pride and affection with our whole country, Virginia remembers that before time and opportunity had fully developed the civic virtues of Washington, she acknowledged him the chief of her sons, and sealed the acknowledgment with this matchless statue.

The General Assembly of Virginia, soon after the declaration of peace, responding to the emotions of affection and gratitude which stirred the hearts of her people, decreed a statue to General Washington, and Houdon of Paris, one of the most celebrated statuaries of the time (*a.*) was employed to make it. To insure a perfect likeness, Houdon visited Mount Vernon, and remained with Washington a fortnight, during which time he took a cast of his face, head and upper part of the body, and minute measurements of his person, and acquired that intimate knowledge of his subject which his mission demanded (*b.*) The artist was to receive as compensation for the statue twenty-five thousand livres, or one thousand English guineas; and his expenses incurred in the trip, to and from Virginia, were to be reimbursed him. In addition, his life was to be insured during the time of his absence from France.

The artist sailed from France about the first of August, 1785, arriving at Mount Vernon the third of October ensuing, and returned to Paris about the first of January, 1786. The contract allowed him three years for the completion of the statue, which he effected in about that space of time, completing it in 1788. But the new Capitol in which provision was to be made for its reception not being finished before 1796, it was detained in France to await that event (*c.*) It reached Philadelphia in April, 1796, arrived in Richmond in May, and was erected in the quadrangle of the Capitol, the 14th day of May, (*d*) 1796. In September, 1872, on account of the insecurity of the floor, on which it stood, it was taken down and removed to a place of security. But the General Assembly at their present session (1872-73) have provided for its replacement.

The statue presents the figure erect (*e*); the head uncovered; the sword on the left, the cane in the right hand—representing in device what Washington had so forcibly expressed in his reply to the address of the General Assembly of Virginia, the subordination of the military to the civil power; the fasces and ploughshare by his side, the one representing authority, power and honor—the other, the peaceful arts most congenial to his taste and feelings. The beautiful harmony between these simple devices and the character of Washington inspires the spectator with the most pleasing emotions.

The dress which he wore in the service of his country displays the proportions of his figure with an exactness which antiquity, embarrassed by drapery and the toga, could only attain in nudity. The posture is true to nature, yet revealing a grace which

art cannot equal. The expression is that of dignity and repose. Washington stands revealed before us as in life, the marvel and the admiration of the world, and the cherished object of the affection of his native State.

No statue or painting exists which is more thoroughly authenticated than the Houdon Statue. From its inception to its completion it is historically marked by a chronological record of facts, resolutions, correspondence and inscriptions which will preserve its identity and character through all time; and what is most rare, its perfect similitude to the original is established by facts and opinions as convincing as human testimony can furnish.

On the 15th day of May, 1784, a committee of the House of Delegates, consisting of Messrs. Ronald, Mann Page, Hubard, Madison, Henry, Tazewell, Heath, Roane, Taylor of Caroline, Cary and Corbin, were appointed to draw up an address to General Washington, expressive of the thanks and gratitude of that body for his unremitting zeal and services in the cause of liberty—congratulating him on his return to his native country, and the exalted pleasures of domestic life; and the same committee was instructed to consider and report “What further measures may be necessary for perpetuating the gratitude and veneration of his country to General Washington.” On the 5th day of June, 1784, Mr. Ronald, in behalf of the committee, reported an address and resolution, which were referred to the committee of the whole house; and on the 22nd of June, the House of Delegates, and on the 26th of June, the Senate adopted the following address and resolution, which had been reported by the joint committee of the two houses :

“The representatives of this Commonwealth would be unfaithful to the sentiments of their constituents, as well as do violence to their own, did they omit this occasion of congratulating you on the final establishment of peace, which has taken place since their last meeting, and on the opportunity which this event has given for your return to the felicities of private life. We shall ever remember, sir, with gratitude and affection the patriotic exchange which you made of these felicities for the severe task of conducting the armies of your country through a conflict with one of the most powerful nations of the earth. We shall ever remember, with admiration, the wisdom which marked your councils on this arduous occasion; the firmness and dignity which no trials of adverse fortune could shake, the moderation and equanimity which no scenes of triumph could disturb. Nor shall we ever forget the exemplary respect which in every instance you have shown to the rights of civil authority, or the exalted virtue which on many occasions led you to commit to danger your fame itself, rather than hazard for a moment the true interests of your country. In reviewing these merits we feel every impression which they are calculated to make on grateful and affectionate minds, and we fervently pray that they may be rewarded with every blessing of which this life will admit, and with complete happiness in that which is to come.”

To this address presented at Mount Vernon by the joint committee of the two houses, appointed for the purpose (f), General Washington, on the 15th day of July, made the following reply :

“*Gentlemen.*—With feelings which are more easy to be conceived than expressed, I meet and reciprocate the congratulations of the representatives of this Commonwealth, on the final establishment of peace. Nothing can add more to the pleasure which arises from a conscientious discharge of public trust than the approbation of one’s country. To have been so happy under a vicissitude of fortune, amidst the difficult and trying scenes of an arduous conflict, as to meet this, is, in my mind, to have attained the highest honor; and the consideration of it in my present peaceful

retirement, will heighten all my domestic joys and constitute my greatest felicity. I should have been truly wanting in duty, and must have frustrated the great and important object for which we resorted to arms, if seduced by a temporary regard for fame I had suffered the paltry love of it to interfere with my country's welfare, the interest of which was the only inducement which carried me into the field, or permitted the sacred rights of civil authority (though but for a moment), to be violated and infringed by a power meant originally to rescue and confirm them.

"For those rewards and blessings which you have invoked for me in this world, and for the fruition of that happiness which you pray for in that which is to come, you have, gentlemen, all my thanks and all my gratitude. I wish I could ensure them to you and the State you represent a hundred fold."

The following is the resolution of the General Assembly. "That the Executive be requested to take measures for procuring a statue of General Washington, to be of the finest marble and best workmanship, with the following inscription on its pedestal, viz :

"The General Assembly of the Commonwealth of Virginia have caused this statue to be erected as a monument of affection and gratitude to George Washington, who, uniting to the endowments of the hero, the virtues of the patriot, and exerting both in establishing the liberties of his country, has rendered his name dear to his fellow-citizens, and given to the world an immortal example of true glory."

To fulfill the duty imposed by this resolution, Governor Harrison, on the first day of July, 1784, addressed the following letter to Charles Wilson Peale, of Philadelphia: "The Assembly of this State have voted a statue of our late most worthy commander-in-chief General Washington, and that I may be enabled to discharge the pleasing trust reposed in me, in the most perfect manner possible, I have to request the favor of you to draw a full length picture of him immediately, and as soon as it is sufficiently dry, to have it packed up in the most secure manner, and shipped in the first ship bound for France, to the address of the Hon. Thomas Jefferson:" and on the 20th of July, 1784, writes to Mr. Jefferson as follows:

"The Assembly of this State have voted a statue of our late worthy commander-in-chief, General Washington, and have directed their intentions to be carried into effect by the Executive—for particulars I refer you to the enclosed resolution. You will observe they have only provided for one side of the pedestal, and that the others, with the dress, &c., are left for the exercise of the genius of the Executive. This would be a very pleasing employment for us, if we had ever turned our thoughts that way, or were adepts in the science of devices, emblems, &c.; but as we are not, we have unanimously fixed on you and my friend Dr. Franklin, who we all know are competent to the task. I therefore most earnestly request the favor of you to undertake it.

"The history of the war, and the share he has had in it, are so well known to you both, that nothing on that subject is necessary from me; you are therefore left entirely at large, and have the whole direction of the business committed to you. I shall write to the Doctor in full confidence that it will give him pleasure to assist you.

"To enable the artist to finish his work in the most perfect manner, I have ordered Mr. Peale to send to your address a full length picture of the General as soon as possible

"The intention of the Assembly is, that the statue should be the work of the most masterly hand. I shall therefore leave it to you to find out the best in any of the European States. To defray the expense certain funds are appropriated that will undoubt-

edly produce the money, and it shall be remitted to you long before the work can be completed. I can form no judgment what sum it will take, but by the cost of Lord Botetourt's statue, which I think was about nine hundred and fifty pounds sterling to the artist, and for shipping charges. There was a further sum to the person who came over to set it up ; but that in the present case, will be the consideration of a future day, there being no place as yet fixed on to place it in. You will be so obliging as soon as you have fixed on the devices, and agreed for the statue, to favor me with the particulars of the former, and a copy of your agreement, that there may be no deficiency in the remittances, either in point of time or quantity. I shall make no apology for the trouble the execution of this trust will bring on you, from a thorough conviction that the love and attachment you have for the worthy person whose memory the statue is to perpetuate, will render it rather a pleasing than a disagreeable employment."

Nov. 12th, 1784, Governor Harrison informs Mr. Jefferson, then in Paris, that the full length picture of General Washington, by Charles Wilson Peale of Philadelphia, is finished, and will be shipped to his address by the first vessel bound for France.

Nov. 20th, Governor Harrison thanks Mr. Peale for the readiness with which he furnished the picture of General Washington, and forwarded it to France.

June 16th, 1785, Mr. Jefferson to the Governor of Virginia writes :

"In a letter of January 12th, to Governor Harrison, I informed him of the necessity that the statuary should see General Washington. M. Houdon will, therefore, go over with Dr. Franklin some time in the next month." And in a letter to Mr. Adams, dated July 7th, 1785, he writes: "Monsieur Houdon has agreed to go to America to take the figure of General Washington." Mr. Jefferson then requests Mr. Adams to ascertain what it will cost in London to ensure twenty thousand livres on Houdon's life, that he believes him to be healthy enough ; between thirty and thirty-five years of age ; and will be absent about six months.

All needful arrangements having been made for Houdon's trip to America, Mr. Jefferson writes to General Washington as follows :

"Paris, July 10th, 1785, M. Houdon would much sooner have had the honor of attending you but for a spell of sickness which long induced us to despair of his recovery, and from which he is but recently recovered. He comes now for the purpose of lending the aid of his art to transmit you to posterity. He is without rivalship in it, being employed in all parts of Europe in whatever is capital. He has had a difficulty to withdraw himself from an order of the Empress of Russia, a difficulty, however, that arose from a desire to show her respect, but which never gave him a moment's hesitation about the voyage, which he considers as promising the brightest chapter of his history.

"I have spoken of him as an artist only, but I can assure you also, that as a man, he is disinterested, generous, candid and panting after glory ; in every circumstance meriting your good opinion. He will have need to see you much, while he shall have the honor of being with you, which you can the more freely admit, as his eminence and merit give him admission into genteel societies here."

Paris, July, 11th, 1785, Mr. Jefferson to the Governor of Virginia writes as follows: "M. Houdon's long and desperate illness has retarded his departure for Virginia. We had hoped from our first conversations with him that it would be easy to make our terms, and that the cost of the statue and expense of sending him would be about a thousand guineas. But when we came to settle this precisely, he thought himself obliged to ask vastly more, insomuch that at one moment we

thought our treaty at an end. But unwilling to commit such a work to an inferior hand, we made him an ultimate proposition on our part. He was as much mortified at the prospect of not being the executor of such a work, as we were not to have it done by such a hand. He therefore acceded to our terms, though we are satisfied he will be a considerable loser. We were led to insist on them because in a former letter to the Governor I had given the hope we entertained of bringing the whole within one thousand guineas. The terms are twenty-five thousand livres, or one thousand English guineas for the statue and pedestal. Besides this we pay his expenses going and returning, which we expect will be between four and five thousand livres; and if he dies on the voyage we pay his family ten thousand livres. This latter proposition was disagreeable to us; but he has a father, mother and sisters who have no resource but in his labours, and he himself is one of the best of men in the world. He therefore made it a *sine qua non*, without which all would have been off. We have reconciled it to ourselves, by determining to get insurance on his life made in London, which we expect can be done for five per cent., so that it becomes an additional sum of five hundred livres. I enclose you for a more particular detail a copy of the agreement. Dr. Franklin was disposed to give two hundred and fifty guineas more, which would have split the difference between the actual terms and Mr. Houdon's demand.

"I wish the State at the conclusion of his work may agree to give him this much more, because I am persuaded he will be a loser, which I am sure their generosity would not wish."

Paris, July 12th, 1785. Mr. Jefferson writes to the Virginia Delegates in Congress as follows: "In consequence of the orders of the Legislative and Executive bodies of Virginia, I have engaged Monsieur Houdon to make the statue of General Washington. For this purpose it is necessary for him to see the General. He therefore goes with Dr. Franklin, and will have the honor of delivering you this himself. As the journey is at the expense of the State, according to our contract, I will pray you to favor him with your patronage and counsels, and to protect him as much as possible from those impositions to which strangers are but too much exposed. I have advised him to proceed in the stages to the General's. I have also agreed if he could see Generals Greene and Gates, whose busts he has a desire to execute, that he may make a moderate deviation for this purpose, after he has done with General Washington. But the most important object with him is to be employed to make General Washington's equestrian statue for Congress (g). Nothing but the expectations of this could have engaged him to have undertaken this voyage, as the pedestrian statue for Virginia will not make it worth the business he loses by absenting himself. I was therefore obliged to assure him of my recommendations for this greater work. Having acted in this for the State, you will, I hope, think yourselves in some measure bound to patronize and urge his being employed by Congress. I would not have done this myself, nor asked you to do it, did I not see that it would be better for Congress to put this business into his hands than into those of any other person living, for these reasons: 1st, He is without rivalry, the first statuary of this age; as a proof of which he receives orders from every other country for things intended to be capital; 2nd, He will have seen General Washington, have taken his measure in every part, and of course whatever he does of him will have the merit of being original, from which other workmen can only furnish copies; 3rd, He is in possession of the house, the furnaces and all other apparatus provided for making the statue of Louis XV. If any other workmen be em-

ployed, this will all have to be provided anew, and of course to be added to the price of the statue; for no man can ever expect to make two equestrian statues. The addition which this would be to the price will much exceed the expectation of any person who has not seen that apparatus. In truth, it is immense.

"As to the price of the work, it will be much greater than Congress is probably aware of. I have enquired somewhat into this circumstance, and find the prices of those made for two centuries past have been from one hundred and twenty thousand guineas, down to sixteen thousand guineas, according to the size; and as far as I have seen, the smaller they are, the more agreeable; the smallest yet made is infinitely above the size of life, and they all appear *outré* and monstrous. That of Louis XV is probably the best in the world, and it is the smallest here, yet it is impossible to find a point of view from which it does not appear a monster, unless you go so far as to lose sight of the features and finer lineaments of the face and body. A statue is not made like a mountain, to be seen at a great distance. To perceive those minuter circumstances which constitute its beauty, you must be near it, and in that case it should be so little above the size of life, as to appear actually of that size from your point of view. I should not, therefore, fear to propose that the one intended by Congress should be considerably smaller than any of those to be seen here, as I think it will be more beautiful, and also cheaper. The pedestrian statue of marble is to take three years. The equestrian of course would take much more."

General Washington at Mount Vernon September 26th, 1785, writes to Benjamin Franklin as follows:—"

"When it suits M. Houdon to come hither, I will accommodate him in the best manner I am able, and shall endeavor to render his stay as agreeable as I can."

On the same day General Washington writes to M. Houdon: "By a letter which I have lately had the honor to receive from Dr. Franklin at Philadelphia, I am informed of your arrival at that place. Many letters from very respectable characters in France as well as the Doctor's inform me of the occasion, for which, though the cause is not of my seeking, I feel the most agreeable and grateful sensations. I wish the object of your mission had been more worthy of the masterly genius of the first statuary in Europe, for this you are represented to me. It will give me pleasure, sir, to welcome you to this seat of my retirement, and whatever I have or can procure that is necessary to your purposes, or convenient and agreeable to your wishes, you must freely command, as inclination to oblige you will be among the last things in which I shall be found deficient, either on your arrival or during your stay."

And on the same day from the same place he writes to Mr. Jefferson as follows:

"I had the honor to receive your favours of the 10th and 17th of July, which were committed to the care of M. Houdon, but I have not yet had the pleasure to see that gentleman. His instruments and materials, Dr. Franklin informs me, were sent down the Seine; but not being arrived when the ship left Havre, he was obliged to leave them, and is now busied in supplying himself with others at Philadelphia, with which, when done, he will come to this place. I shall take great pleasure in showing M. Houdon every civility and attention in my power, during his stay in this country; for I feel myself under personal obligations to you and Dr. Franklin, as the State of Virginia has done me the honor to direct a statue to be erected to my memory, for having placed the execution in the hands of so eminent an artist, and so worthy a character."

General Washington, in a letter to the Marquis De La Rouerie, dated Mount Vernon, Oct. 7th, 1785, informs the Marquis that M. Houdon arrived at Mount Vernon the 3rd day of October, (four days preceding the date of his letter.)

General Washington, in a letter to the Marquis De La Fayette, dated Mount Vernon, November the 8th, 1785, writes: "I have now to thank you for your favours of the 9th and 14th of July, the first by M. Houdon, who stayed no more than a fortnight with me, and to whom, for his trouble and risk in crossing the seas, although I had no agency in the business, I feel myself under personal obligations."

Mr. Jefferson, in his letter to General Washington, dated Paris, January 4th, 1786, writes: "I have been honored with your letter of September the 26th, which was delivered me by M. Houdon, who is safely returned.

"He has brought with him the mould of the face only, having left the other parts of his work with his workmen, to come by some other conveyance. Dr. Franklin, who was joined with me in the superintendence of this just monument, having left us before what is called the costume of the statue was decided on, I cannot so well satisfy myself, and am persuaded should not so well satisfy the world as by consulting your own wish or inclination as to this article.

"Permit me, therefore, to ask you whether there is any particular dress or any particular attitude which you would rather wish to be adopted. I shall take a singular pleasure in having your own idea executed, if you will be so good as to make it known to me."

Gen. Washington writes to Mr. Jefferson from Mount Vernon, August the 1st, 1786, as follows:

"The letters you did me the favor to write to me, on the 4th and 7th of January, have been duly received. In answer to your obliging enquires respecting the dress and attitude which I would wish to have given to the statue in question, I have only to observe, that not having sufficient knowledge in the art of sculpture to oppose my judgment to the taste of connoisseurs, I do not desire to dictate in the matter. On the contrary, I shall be perfectly satisfied with whatever may be judged decent and proper. I should even scarcely have ventured to suggest, that, perhaps, a servile adherence to the garb of antiquity might not be altogether so expedient, as some little deviation in favour of the modern costume, if I had not learnt from Col. Humphreys that this was a circumstance hinted in conversation by Mr. West to M. Houdon.

"This taste which has been introduced in painting by West, I understand is received with applause and prevails extensively."

Mr. Jefferson, in his letter to Mr. Madison dated at Paris, February 8th, 1786, writes: "Houdon has returned. He called on me the other day to remonstrate against the inscription proposed for General Washington's statue. He says it is too long to be put on the pedestal. I told him I was not at liberty to permit any alteration; but I would represent his objection to a friend who could judge of its validity, and whether a change could be authorized. This has been the subject of conversation here, and various devices and inscriptions have been suggested. The one which has appeared best to me may be translated as follows:

"Behold, reader, the form of George Washington. For his worth ask history. That will tell it when this stone shall have yielded to the decay of time. His country erects this monument. Houdon makes it." This for one side. On the second, represent the evacuation of Boston, with the motto, *Hostibus primum fugatis*. On the third, the capture of the Hessians, with *Hostibus iterum deactis*. On the fourth, the surrender of York, with *Hostibus ultimum debellatis*. The artist made the same objection of length to the inscription for the bust of Lafayette. I am not certain it is desirable in either case."

To this letter Mr. Madison replied, with his characteristic modesty, that his own inscription was inferior to the substitute copied into the letter of Mr. Jefferson, but was apprehensive, notwithstanding that no change could be effected, and in conclusion says, "the devices for the other side of the pedestal are well chosen, and might, I should suppose, be applied without scruple, as decorations of the artist. I counted myself on the addition of proper ornaments, and am persuaded that such a liberty could give offense nowhere." On the reception of this reply, all purpose of changing the inscription was abandoned, and the devices appended to the statue adopted, which like the inscription are so felicitous and appropriate, as to be equally beyond the sphere of praise or criticism. That the remonstrance of Houdon was founded on the relation between the height of the pedestal, and the length of the inscription, and the laws of perspective in regard to which the artist wished to bring the statue nearer the level of the spectator, than the inscription would permit (*h*), and had no relation to mere literary excellence there can be no doubt. Mr. Rives, in his Life and Times of Madison, comments on the proposed substitute with caustic severity, evidently referring it to rivalry for literary excellence, instead of the true reasons which prompted the remonstrance of the artist.

Paris, August 14th, 1787, Mr. Jefferson writes to General Washington :

"I was happy to find, by the letter of August the 1st, 1786, which you did me the honor to write to me, that the modern dress for your statue would meet your approbation. I found it strongly the sentiment of West, Copley, Trumbull and Brown in London, after which it would be ridiculous to add that it was my own. I think a modern in an antique dress as just an object of ridicule as a Hercules or Marius with a periwig and chapeau-bras." The coincidence of taste between General Washington and Mr. Jefferson, considering the high culture of Mr. Jefferson in all that pertained to the fine arts, will contribute to justify the opinion that while the adoption of the modern costume is necessary to truthful delineation, art and taste approve the choice.

1795, Feb. 6th, Governor Brooke, to Mr. Monroe, at Paris, after reminding Mr. Monroe of the appointment of Mr. Jefferson (then at Paris), to procure a statue of General Washington, and his leaving that city before its completion, writes : "But as it was not finished at the time he left Paris, and we have had no information since with respect to its progress, or any estimate of the ultimate expense, we are unable to determine what is still incumbent upon us, to carry into effect the object of the Legislature. Permit me therefore to request that you will be so obliging as to make such enquiry as will trace this business to its present stage, and communicate such information respecting it as will enable the Executive both to complete Mr. Jefferson's contract, and attain the object of it."

Paris, August 20th, 1795, Mr. Monroe writes : "I have lately received your letter of the 6th of February, respecting the statue of General Washington. * * *

"The delay of your letter on the passage is the cause that an earlier answer was not given to it. I give one at present, merely for the purpose of assuring you that I will with great pleasure make the enquiries suggested, and in other respects perform everything you have requested, and advise you afterwards of the result, as soon as possible.

* * * * *

Paris, July 29th, 1796, Mr. Monroe to the Governor of Virginia, writes : "I hope the statue of the President arrived safe and without injury at Richmond, and in which I confide, as it was packed up with great care here and forwarded from Havre under the auspices of a prudent captain of one of our best vessels.

"I herewith enclose you a note of the amount of what I paid to M. Houdon, the artist, for the charges annexed, and which he requested immediately. This item will be adjusted with Mr. Jones when he desires it. M. Houdon has also another demand of about the like sum for depreciation, and which I promised to communicate to you, and pay him in case you permitted. I believe from his statement, that he actually lost that amount, and in that mode, but, at the same time I also believe, that the State of Virginia did not profit thereby, as likewise that the only claim he has, if any, is upon the candor and liberality of the State. * * * *

August 12th, 1803, London, Mr. Monroe, to Governor of Virginia, encloses claim of Houdon on the State of Virginia which had been examined and stated by Mr. Skipwith American Consul, at Paris, who reported 2,800 livres due to Houdon, on account of the depreciation of the paper in which the last payment (9,000 livres), for the statue of Washington was paid.

1851, March 21st, In view of the liability to injury and destruction of the statue of Washington, the General Assembly of Virginia provided for taking casts of the statue for the colleges of the State.

1853, January 14th, Wm. J. Hubard of Richmond, by joint resolution of the General Assembly, was authorized to take casts of Houdon's Statue of Washington, with exclusive right for seven years. subject to certain limitations.

1856, March 8th, The Governor was authorized by the General Assembly to purchase from Mr. Hubard a bronze cast of Houdon's Statue of Washington, to be placed in the Military Institute at Lexington. In pursuance of this authority the statue was purchased by Governor Wise, and erected at Lexington with appropriate honors, including an eloquent oration by his Excellency, replete with historical facts and incidents, pertaining to the Houdon Statue. A copy of this oration although diligently sought, the writer has not been able to obtain.

On the first day of April, 1878, the General Assembly of Virginia, by joint resolution, directed the statue of Washington to be restored to its former place in the Capitol, and appropriated one thousand dollars to defray the expense in giving that stability to the floor necessary to the safety of the statue.

No act which Virginia has ever performed is more creditable to her than the decreeing of this noble statue.

The Assembly which decreed it consisted in large part of men eminent for talents, wisdom and virtue.

The committee was one of unusual ability, every one of whom was a man of mark, fortunately Mr. Madison was one of the number, and to his masterly pen we owe the inscription on the pedestal, which is so appropriate and felicitous that it will ever associate his name with the immortal subject.

To what member of the committee we owe the chaste and beautiful address reported by Mr. Ronald as chairman of the committee, we are not informed; and while Mr. Ronald and others of the committee might have been equal to the task of its composition, some will be disposed to refer it to Mr. Madison.

The character of Washington was already the grandest which history had recorded, and unlike others grandest when drawn by the pencil of truth. A representation of his person in correspondence with this character required an imitation of nature with absolute exactness.

Mr. Jefferson, with that intuitive penetration which distinguished him in the fine arts, as well as in science and government, perceived that nothing but the cast of the face and minute measurements of the person could ensure that perfect likeness of the original which his country and the world desired. The artist was equally impressed

with the importance of an exact likeness and the only mode of accomplishing it. A Washington ideal in person would have been as unsatisfactory as a Washington ideal in character; and but for this effigy from life, the world would be divided as to the best resemblance: (*i*) and in despair and uncertainty, affection and art would vie with each other in ideal delineations of that illustrious man. A distinguished writer says: "As in contemplating the portrait of an eminent person, we long to be instructed in his history, so in considering his actions, we are anxious to behold his countenance. So earnest is this desire, that the imagination is generally ready to coin a set of features, or conceive a character, to supply the painful absence of one or the other." If Washington stands out on the list of fame as the greatest of all names, then his exact likeness must be an object of the deepest interest not only to the people of the United States, but to the world. In view of this yearning wish (fortunately for its attainment), those best acquainted with Washington have pronounced his statue by Houdon the best representation of his person which exists. But in the appendix to the fifth volume of Irving's Life of Washington, a communication ascribed to Mr. H. T. Tuckerman contains the following language: "But that implicit fidelity now evident in the busts of our leading sculptors, was not then in vogue, and the artists of the day were rather adepts in idealizing than in precise imitation of nature. Therefore the result of Houdon's labours, though in general satisfactory, cannot be used with the mathematical exactitude as a guide which greater attention to minutiae would have secured."

An opinion so remarkable in one of the most distinguished of the biographers of Washington can only be accounted for on the supposition that the writer was but partially acquainted with the history of the Houdon statue, a history which as already unfolded proves that "implicit fidelity" and precise imitation of nature with mathematical exactitude were demanded of the artist, and realized; and that, although he might be an adept in idealizing as in his Diana and Cicero, he was equally an adept in copying nature in all its minutiae, with absolute exactness. No other representation of the person of Washington is distinguished by one tithe of the evidence of the minutiae necessary to exactness, as that of the Houdon statue. Houdon's visit to Mount Vernon, his cast of the face, head, and upper part of the body, and minute measurements of the person with mathematical exactness; Jefferson's letter to Governor Harrison, informing him, that it was necessary that the statuary should see General Washington, although he had a full length portrait by Peale, (*j*) painted for his guidance; Jefferson's letter to General Washington, saying the artist would have to see him much; his letter to the Virginia delegates in Congress, urging the employment of Houdon to execute the equestrian statue of Washington ordered by Congress; first because "he was the first statuary of the age;" and second, because "he will have seen General Washington, and have taken his measure in every part;" that what Houdon did would be "original" from which other workmen could only "furnish copies."—these facts lead to the irresistible conclusion, that Houdon, Mr. Jefferson, Dr. Franklin, Governor Harrison, and all who were engaged in the matter of the statue, regarded an exact likeness of Washington as the grand desideratum, and that the measures adopted by Houdon, and none other, could secure such a result. (*k*) Had their purpose been otherwise, the character of Washington would have rebuked them. The man who was averse to a separate biography, and preferred that the history of his life should be deduced from the history of his country, lest partiality might praise where

truth would rebuke, and preferred for the costume of his statue the dress which he really and daily wore to the classic folds and drapery of antiquity, yet more required that the delineation of his person should be true to nature. (*l*) As unmerited praise and fictitious virtues for the most part make up the characters of the great, so the creative and ideal fill out and fashion their effigies; truth alone can adequately portray the character and person of Washington. No portrait of Washington can be satisfactory about which there is a reasonable doubt as to its similitude. The more beautiful and artistic the less satisfactory, if it professes a resemblance which it does not possess. On the other hand, the true likeness of Washington is of such inestimable value, that the world is its guardian, and the muniments of its title one of the most sacred of the trusts committed to history. History and art have set their seals to the record, that this statue is the most perfect similitude of Washington which has ever been made; and medallic art in its peculiar relations has stamped it with indelible and authoritative marks as the only exact similitude of the great original. (*m*)

On the occasion of inaugurating the Washington Cabinet of Medals, in the city of Washington on the 22nd day of February, 1860, all the paintings, statues, busts, medals and coins bearing representations of Washington were considered—the medals and coins alone comprising one hundred and thirty-eight specimens, and the commemorative medal modeled from the Houdon bust was, after the most careful investigation and comparison, adopted as the standard likeness. During the proceedings on that interesting occasion, Mr. Longacre, a distinguished artist, and an adept in critical distinctions in this department of the fine arts, being called on proceeded to say: "Viewing the close connection that necessarily exists between the medal portrait and the sculptured bust, belonging as it were to the same department of art, the bust, very frequently furnishing the only reliable and material authority from which the medalist can proceed with his work, the fidelity of the sculptured head or bust becomes a question of the first importance in determining the value of a likeness on the medal. Respecting the authenticated portraits of Washington in sculpture, I am aware that in a communication which appears in Irving's Life of Washington, already esteemed as a work of the highest reliability, a preference is distinctly indicated for the bust executed by Caracchi, but although I am not insensible to the beauty of this bust as a work of art, yet as a faithful transmission of the features of Washington, it cannot, in my view, be permitted to take precedence of the head by Houdon, to which on the score of fidelity, I must give the preference over any other extant." He then proceeds to relate the following interesting interview between Mr. Stuart and himself, occurring in the year, 1825, relating to the original head of Washington painted from life, and which was then before him on the canvass, and which had always been retained by Mr. Stuart. In the course of the conversation, Mr. Stuart, said, "He came to this country for the purpose of painting Washington. He turned to Mr. Longacre, remarking, 'you are acquainted with Houdon's bust I presume?' Mr. Longacre replied that he was, and that it was the head par excellence, that he had always preferred as his ideal of the Great Original. 'You are right,' said Mr. Stuart, 'Houdon took a cast from his face,' requesting Mr. Longacre at the same time to recall the proportions of Houdon's work, as a test of the correctness of the head then before him. Mr. Longacre in speaking of the fact of the cast being taken and of its confirmation during a visit to Mount Vernon, by Mrs. Washington (mother of the proprietor of the estate), expressed his opinion of the vast importance it necessarily attaches to the fidelity of the bust by Houdon,

and establishes the propriety of regarding it as the standard from which subsequent representations of the original in statuary or bas-relief should be taken."

He further states that when a fine copy of the bust from Canova's statue of Washington, then at Raleigh, North Carolina, was shown General Lafayette, in his presence at Philadelphia, Lafayette remarked, "That as far as concerned a likeness of Washington, if it were not for the name, it might as well be anybody's else." While of Houdon's statue in the State Capitol at Richmond, to the State Librarian he pronounced it "a *fac-simile* of Washington's person." Numerous coins, medals and medalllets of Washington, bearing his effigy, were struck before the year 1796, and many representations of him were made by sculptors and painters, each differing from the other, and all claiming to be true likenesses. Of these the portraits of Peale and Trumbull were the most popular, until the execution of the two celebrated portraits of Washington by Gilbert Stuart, the last receiving the finishing touches in 1796, about the time of the reception at Richmond of the Houdon statue. Authors, artists, and critics united in paeans to these famous portraits of Stuart, claiming for them, not only excellence as works of art, but superiority as similitudes of Washington and, by prefixing them to their works, popularized them as the true likeness. Such was their reputation that Heath, of London, copied them as the best likeness of the original, and, by the multiplication of his copies, familiarized Europe with the head and face of Washington, as delineated by Stuart. It seems almost incredible, that nearly thirty years should have elapsed after the completion of the Houdon statue before its true character was understood; and that ideality should have been predicated of a statue distinguished by so many proofs of an imitation of nature as intelligible only on the hypothesis that its history was not thoroughly known.

Justice, although tardy, will not forget that Stuart, while justly proud of his own work, rejected honors not his own, and taking the chaplet due to another, which partial friends had bound around his brow, placed it on the head of Houdon.

The magnanimous and just declaration of Gilbert Stuart, the rival of all artists, as to the true delineation of Washington, that the Houdon bust is par excellence the true likeness, so graphically related by Mr. Longacre, should be accepted by the most skeptical, as conclusive evidence of the superiority of this statue as a likeness over all other delineations of Washington. The commemorative medal, belonging as it does to a most valuable and interesting department of history and art, deposited in the cabinet of medals at the National Capitol, and accessible to the curious, will indicate by comparison similitude in all of its gradations to the perfect likeness. Art will now have its recognized standard, and history its authenticated and unquestioned record; and science may approach this statue as it did the living man, to enquire the form and measurements of the person which manifested such intellectual and moral phenomena, and the relations of material shape to a character which has no parallel in history. The world is much indebted to Mr. Snowden, director of the mint, and to Mr. Longacre, so eminent for critical skill in this department of art, and to Mr. Lossing for their vindication of the Houdon statue, as the only exact likeness of Washington.

No American work has contributed more to popularize the Stuart head as the standard likeness of Washington, than Irving's Life of that illustrious man, and this clearly contrary to the text and purpose of the author who singled out from the numerous effigies of Washington the statue by Houdon, as the only one worthy of mention, yet the publishers of that distinguished work, under the sanction of names

eminent in art and letters, have thought proper to present in their appendices other portraits than that of Houdon as the standard likeness.

Irving's Life of Washington unites the accessory aids of illustration and adornment; these are not only legitimate, but commendable, save when they impress the world with error as to the character or person of Washington. An edition of this work, surpassing in magnificence any American biography, has been recently published, in which the wrong to the Houdon statue, pointed out by Mr. Longacre, is perpetuated. In such a work, the ideal and beautiful overrule, "realistic delineation, and the truth of history," and Art and Letters in their highest seats delude instead of indicating the exact likeness.

When it is observed in the learned and comprehensive work of Lubke, probably the most influential and authoritative of all the modern works on sculpture, that while the name of Houdon is mentioned, with marked distinction, the statue of Washington is entirely omitted, we cannot fail to trace the effect of the neglect and injustice of American authors, artists, critics and publishers, in relation to this statue.

Virginia recognizes her obligation to furnish to the world the evidence at her command that this statue is the only exact representation of the person of Washington which exists, and therefore the only standard likeness; and that as a work of art, its excellence proves that it was wrought by the hand of a master whose name is worthy of a high place on the roll of sculptors, and the statue, a distinguished place in the temple of plastic art.

While this statue derives its chief interest from its similitude to Washington, as a work of art it is of the highest order, and its growing fame is destined to make the city which contains it the Cnidos of the World.

We are told by Pliny that the Cnidian Aphrodite was the most beautiful of all the works of art which the world then contained, and that after its victory over its rival and twin sister long pilgrimages were made to see it, and that it was so much the pride of the Cnidiots that when king Nicomedus offered to pay off the heavy debt of their city, as its price, they rejected his offer, and, determined to bear their heavy burthen, rather than part with the work which was at once their glory and fame. Overwhelmed and oppressed as Virginia is by debt and poverty, if some Nicomedus should insult her with this offer, her reply would be, that although poor, the jewel does not sparkle in the sun, nor lie buried in the earth, which can buy this statue of Washington.

Our country regards the name and fame of Washington as national property. Virginia claims a special share in this heritage; but the world asserts the right to pay homage and honor to this, the greatest of all earthly names. One of the most eminent of statesmen and philosophers of another land, the late Lord Brougham, has declared, "It will be the duty of the historian and sage of all nations to let no occasion pass of commemorating this illustrious man, and until time shall be no more, will a test of the progress which our race has made in wisdom and virtue be derived from the veneration paid to the immortal name of Washington."

Gratitude and affection prompted Virginia to erect this statue as a perfect likeness of the original, and place it in her new temple of freedom. It is now and will be yet more the object of affection and interest with the wise and good of all nationalities, and its preservation, until "time shall be no more," is a sacred duty which its priceless value imposes.

APPENDIX.

A

Houdon, Jean Antoine, born at Versailles, March 20th, 1741, died at Paris, July 15th, 1828; gained the first prize for sculpture in the Royal Academy at Paris; passed ten years at Rome in the study of the antique, and returned to Paris, where he attained the front rank of French sculptors; and was admitted to the Academy. The numerous works of this artist attest his genius and wonderful skill, and established for him as a statuary a reputation surpassing all others of his time. Mr. Jefferson says, that he was employed throughout Europe (in this department of art), in all that was "capital," that he was acknowledged to be without a rival, and was thus clearly designated as most worthy to delineate the person of Washington. His thorough knowledge of the proportions of the human figure is indicated in his numerous works; his genius in works purely ideal; his intimate knowledge of anatomy in skinless figures, displaying the muscles and other parts of the external figure with perfect accuracy, one of which was designed especially for Virginia, but being detained in Philadelphia never reached its destination.

The celebrated contest between Appelles and Protogenes, in which the art of the former was detected in a single line, drawn in the absence of Protogenes, on a panel for painting which hung in his studio, and the final victory of Appelles, by dividing the line by one so attenuated that it seemed to lie on the boundary between the seen and the unseen, so marked the hand of a great master, that historians tell us the panel containing these simple lines "was preserved and carried to Rome, where it remained, exciting more wonder than all the other works of art in the Palace of the Cæsars, till it was destroyed by fire with that building." But if the lines of Appelles denote so much of skill as to have made the panel on which they were drawn historic, the skinless figures of Houdon much more attest the height of his skill, in the art of delineation. That so remarkable a work as the skinless statue, intended for Virginia, should be lost to that State is to be lamented. As a work of art it would be highly prized, but yet more for the evidence it furnished of Houdon's minute knowledge of the human frame, and his wonderful skill in the art of drawing. Fortunately two skinless figures wrought by Houdon are preserved in the Academy at Paris.

That Houdon was the greatest portrait sculptor of his age, his fame and numerous works attest, and if equaled by any in genius for the creative and ideal, like Appelles he surpassed all his contemporaries and successors in the imitative art, without which he could never have accomplished his statue of Washington.

It may be safely assumed that the future fame of Houdon will depend more on the statue of Washington than on any other work of his hands, and were this his only work would secure to his name a high place on the roll of art. But Virginia is not merely interested in the fame of Houdon as an artist, but must ever feel that he never received the pecuniary compensation for this statue which he both deserved and expected. Congress, at the instance of Arthur Lee and Theo. Bland, two of her delegates in Congress, having in the year 1783, decreed an equestrian statue to General Washington, Mr. Jefferson, in all sincerity, held out to Houdon, as an inducement to

make the pedestrian statue, the certainty of his employment to make the equestrian statue; without this inducement, he would not have undertaken the pedestrian statue. *(See letter * from Houdon dated September 8th, 1796. The contract, to make the statue, between Mr. Jefferson and himself was entered into July 8th, 1785. Houdon says that at the end of 1792, he received 9000 livres, completing the whole sum due to him, if it had not been in assignats, which reduced its value to 5,625 of silver, leaving a balance of 3,875 livres due.

B

Sparks says, "It was the intention that the statue should bear an exact resemblance to the original. The statue is a precise copy of the model, and is undoubtedly the best copy of the original that exists. The best casts from Houdon's bust are from Deville of London. The statue has always been considered as exhibiting a remarkable resemblance to the original. Houdon came to America for the express purpose of taking an exact cast of General Washington's features and persons."—Vols. I and IX.

Lossing in his Home of Washington says that, "The only method by which a perfect likeness of the great patriot might be secured was to have the artist make a model from the living face, and Messrs. Franklin and Jefferson accordingly engaged Houdon, a portrait sculptor then without a rival in the world, to go to America for the purpose."

C

"Shipped in good order, by Ve Homberg & Homberg Freres, in and upon the ship called the "Planter," whereof is master, for this present voyage, Ayres Stockley, now in the harbour of Havre-de-grace, bound for Philadelphia, to say,

"For account and risk of the Governor and Council of the town of Richmond, State of Virginia".

"Three cases, one of which contains the marble pedestal statue of General Washington, and the two others contain the marble pedestal of said statue, weighing together thirty-six thousand pounds, weight going for eighteen tons, being marked and numbered as in the margin, and to be delivered, in like good order, at the aforesaid port of Philadelphia, (the danger of the seas only excepted) unto the order of Mr. William Pennock, of Norfolk, Virginia, who is to convey the same to said Governor and Council of Richmond, or to his order or assigns, he or they paying freight for the said goods.

AYRES STOCKLEY.

Dated in Havre-de-grace, January 25th, 1796—(See bill of lading, in archives, Executive Department, and will appear in calendar by Dr. Palmer.)

April 10th, 1796, Letter from Mr. Pennock, to Governor Brooke, enclosing the foregoing bill of lading, (Archives Executive Department, and will appear in calendar by Dr. Palmer.)

The following facts, in connection with the transportation and erection of the statue, are not without interest:

1796.

May 10th.

TO EDMUND POTTER.

For freight on General Washington's statue from Philadelphia, and three days' demurrage £48 4s.

* See letter in Virginia Archives, and will be found in the Calendar now being prepared by Dr Palmer.

To COL. GOODE.

For erecting the statue of General Washington in the quadrangle of the Capitol..... \$40 00

May 21st.

To GEO. NICHOLSON.

For cordage, rope and blocks for erecting General Washington's statue...£26 6s. 10d.

June 28th.

Account of Col. Goode of expenses incurred in erecting the statue of General Washington, including an allowance to Hodgson, the undertaker, of..... \$50 00

1796.

July 11th.

Draft of William Pennock for freight and expenses of General Washington's statue from France to Philadelphia, amounting to..... \$815 28
[See Executive Journal of the period].

D

Weld, a distinguished traveller, who was in Richmond in the month of May, 1796, informs us, that the Statue of Washington, arrived in Richmond during his visit to that place. Official papers confirm this statement and attest the erection of the statue on the fourteenth day of May, 1796. (Archives in Executive Department.)

E

The height of the statue as measured on the occasion of its recent removal was found to be six feet two inches, and comports with the received opinion of its height; but with more accurate instruments than were used on this occasion, some variation may be found from the result above stated. The statue is the size and height of life, as Washington appeared in the costume in which he is delineated; and while Houdon's measurement was mathematically exact, it is believed that no record of it is preserved.

Major Lewis, a relative of Washington, states that Washington informed him that, in his best days, when standing in ordinary shoes, his height was six feet, two inches; and Mr. Custis informs us that measured by the standard after death, his height was found to be exactly six feet.

A mathematical measurement of the statue, deducting the thickness of the shoes, will give, with absolute exactness, the height of Washington in nudity. See on this subject Mr. Jefferson's letter to Mr. Parker in his writings, Vol. IV, page 311.

F

The committee appointed to present this address to General Washington consisted of Messrs. Jones, Brent, Grayson, Henderson, and West, who discharged this duty at Mount Vernon on the 15th day of July, 1784. The error of ascribing to Mr. Madison the presentation of this address arose, no doubt, from the belief that he was on this committee. Neither Mr. Madison nor Mr. Rives makes mention of his presence on this occasion, and the correspondence of the former about this period, negatives the statement.

G

In Congress on the 7th of August, 1783, on motion of Mr. A. Lee, seconded by Mr. Bland,

Resolved, unanimously, that an equestrian statue of General Washington be erected at the place where the residence of Congress shall be established.

A committee, consisting of Mr. A. Lee, Mr. Ellsworth, and Mr. Mifflin, were appointed to prepare a plan of the equestrian statue of General Washington. In conformity with their report, it was

Resolved, That the statue be of bronze. The General to be represented in a Roman dress, holding a truncheon in his right hand, and his head encircled with a laurel wreath. To be represented on the pedestal in basso reliefo, the evacuation of Boston; capture of the Hessians at Trenton; the battle of Princeton; the action of Monmouth, and the surrender of Yorktown. On the upper part of the front of the pedestal to be engraved: "The United States in Congress assembled ordered this statue to be erected in the year 1783, in honor of George Washington, the illustrious Commander-in-Chief of the Armies of the United States of America, during the war which vindicated and secured their liberty, sovereignty, and independence." That the statue be executed by the best artist in Europe, and that the best resemblance of General Washington that can be procured be transmitted to the Minister of the United States at the Court of Versailles, for the purpose of having the above statue erected.

It will not escape notice that these resolutions were moved and seconded by Virginians, and that while Congress failed to execute their solemn decree, Virginia, with a promptitude which equalled her patriotism, proceeded to accomplish the purpose so dear to her of obtaining a statue of Washington.

The costume and devices proposed for the equestrian statue are interesting in comparison with those of the Houdon statue, and serve to illustrate the eminent fitness of the latter.

H

The recent removal of the statue from its pedestal, on account of the supposed insecurity of the floor, enabled the spectator to view it in immediate proximity and on a level with himself. To the surprise of the observer, the delicate lines which give expression to the human face, so difficult for the pencil, and yet more for the chisel to trace, became plainly visible, and the severe dignity which distance and elevation imparted softened into the semblance of life and the highest type of manly beauty; and the eye, the impassable barrier in sculpture between nature and art, even to the most skilful artist, on a near view seemed to be endowed with vitality. We have here the key to the vivid impression, as a likeness, produced on Judge Marshall, Judge Brooke, and other distinguished friends of Washington, who familiarized themselves with the statue before it was placed on the pedestal. We here, too, find the solution of Houdon's objection to the length of the inscription, which elicited the caustic criticism of Mr. Rives in his Life and Times of Madison. Houdon knew that the least elevation of the statue and the closest proximity of the spectator would make the likeness and the artistic excellence the more palpable.

I

This truth is forcibly illustrated in regard to the portraits of Mary Queen of Scots. Historians and artists have long sought to find the true similitude of this celebrated person, of whom, although many portraits exist, it is said that no two agree, except in representing her as eminently beautiful. One biographer says: "The numerous

portraits hitherto ascribed to this princess are as various and as dissimilar as the circumstances of her life, or the features of her character;" and another says that "No strong internal presumption, no inveterate tradition tends to distinguish the authenticity of any one of them." In this state of uncertainty, one of her most distinguished biographers employed a very ingenious artist to paint that celebrated Queen, from such sketches, pictures, and other materials as might be laid before his intelligent eyes. This picture, being purely ideal, could not be an accurate likeness, and there is as little to mark the Lochleven picture, as an authentic similitude. The zeal with which a true likeness of this Queen has been sought for three hundred years of continuous search, might induce the hope that the treasure had at last been found; but her latest historian and biographer having torn the veil from her decapitated head and the plaster from her face, the question of the true likeness remains as much a matter of doubt as that of the silver-casket letters.

Few effigies, as a likeness, if any, have ever been so thoroughly authenticated as the Houdon Statue. Its muniments are complete, and as no other cast and measurement can be again taken from the life, it must ever remain without a rival, as a likeness, and constitute the only standard for future representations of the person of Washington.

J

The letters of Governor Harrison to Charles Wilson Peale, dated the 1st of July, 1784, and November the 20th, 1784—the former requesting Mr. Peale to draw a full length portrait of General Washington, and ship it to France to the address of Mr. Jefferson, and the latter thanking Mr. Peale for his prompt compliance with this request, and to Mr. Jefferson, July the 20th, 1784, and November the 12th, 1784, relative to the portrait drawn by Peale, are not only unpublished, but seem to be unknown to many, although they record the initial steps which were taken to procure the statue of Washington. In the appendix to the 5th volume of Irving's Life of Washington, it is stated that Peale's last portrait of Washington was executed in 1788, always retained by him, and sold after Peale's death as part of the Peale gallery. The portrait ordered by Governor Harrison and the correspondence in relation to it, were manifestly unknown to the author of the appendix, and other authors whose narratives required some notice of them.

This portrait—not being necessary to Houdon, as he had determined to see Washington in person, and take his cast and measurements—may not have been brought back from France. Wherever it may be, it is the property of Virginia, and as it was executed with all the skill of this eminent artist, the enquiry is natural, What has become of it? It is not improbable that by the researches of some future enquirer, not only this portrait, but the skinless figure wrought by Houdon for Virginia may be traced and discovered.

K

The influence which the cast and measurement of Washington, taken by Houdon, exerts in establishing the statue as an exact likeness of the original, imparts to the following incident much historic interest:

The late Francis T. Brooke, one of the most distinguished of the Presidents of the Court of Appeals, but having no prouder distinction than that of friend of Washington, stated, in the presence of General William H. Richardson, Adjutant General of Virginia and former Secretary of the Commonwealth, that he was present at Mount

Vernon when Houdon took his cast of Washington, and that his statue in the Capitol of Virginia is an exact likeness of Washington as he then appeared. No higher authority than that of Judge Brooke can be adduced on the question of the likeness, on account of his intimate knowledge of both the statue and the original. The Judge graphically related that when the artist was about to engage in his work, the announcement of a visitor, who had practised a fraud on Washington, caused a momentary flash of the fire of the battle field to light up his face. In allusion to which, Houdon playfully remarked "that he should have liked that the cast could have caught that heroic look;" but when the plaster was applied, faithful to nature, the expression obtained was one of dignity and repose. Many have heard this interesting narrative from Judge Brooke, a name as much the synonym of honor as his opinions are land-marks of law. This incident is a forcible illustration of the difference between the wish of the artist and the truth and fidelity of the cast. In the year 1858, the late Rembrandt Peale of Philadelphia, visited Richmond, and, after a critical examination of the Houdon Statue, pronounced it the best likeness of Washington extant. During a call at the rooms of the Virginia Historical Society, he said to Dr. William P. Palmer, who was then its Secretary, after enlarging upon its merits, and indicating the most favorable point of view, the statue presented such an exact and perfect likeness of Washington as to recall him in memory with all the vividness of life. Mr. Peale had an intimate knowledge of the person of General Washington, and related to Dr. Palmer incidents occurring in Philadelphia, illustrative of the manner in which he acquired this knowledge.

L

The great of antiquity demanded of those who delineated their persons and characters deification and praise. Cicero was so anxious to see himself praised that he pressed his friend, with unseemly importunity, to write his life, saying, "Let me hope if friendship should too strongly recommend my actions to your approbation, you will not reject her generous partiality, but give somewhat more to affection than rigorous truth can perhaps justly demand." And Cicero informs us that Alexander the Great would allow only Appelles to paint his picture, and Lysippus to form his statue. Appelles painted the florid Alexander hurling the thunderbolts of Jove, and darkened his complexion to suit the character of his sulphurous majesty, and Lysippus gave to Alexander's statue the proportions of Apollo. Cicero demanded to be praised; Alexander, to be made a god. Washington, on the contrary, preferred that his character should be deduced from the history of his country, and the delineation of his person drawn from nature.

The elegant folio English edition of Marshall's Life of Washington recently added to the State Library of Virginia, adorned with delineations of Washington and others so artistic as to make it a trophy of which the Library may well be proud, furnishes another illustration of the truth that when Washington is the subject, art still employs her cunning to impress the Stuart Head as the standard likeness, neutralizing, by her blandishments, the truth which history teaches.

M

No subject is more fruitful of error and misrepresentation than the effigies of the great and memorable. An illustration of this truth is found in the "Life and Times of Elkanah Watson," in which the author states that while on a visit at Mount Vernon, Washington related to him circumstances attending the taking a cast of his face by Joseph Wright, a young artist. Mr. Watson informs us that General Washington

said "that the artist oiled his features over, and, after causing him to lie on his back on a cot, proceeded to daub his face with the plaster. Whilst in this ludicrous attitude, Mrs. Washington entered the room, and involuntarily exclaimed. Her cry excited in him a disposition to smile, which gave his mouth a slight twist or compression of the lips that is now observable in the busts which Wright afterwards made." Watson adds: "These are nearly the words of Washington."

The author of the Home of Washington, describing this transaction, represents that the cast was broken in removing it from Washington's face. The inconsistency between these narratives and their omission in the prominent biographies and works which have recorded the portraits and effigies of Washington may well justify the opinion that no such scene ever occurred, and it is narrated in detail to show how easily fable becomes history. Mr. Lossing probably adopted the statement of Dunlap, which accords with his own, in representing that the cast was broken in removal from the face.

In the Recollections of Washington, by Mr. Custis, published but a few years ago, we are informed that Mr. Moreau, of New York, possesses one hundred and five delineations of Washington differing from each other, while they all bear some resemblance to the original.

The bust by Hecker, a photograph of which is in the State Library of Virginia, modeled, according to the statement of the artist, from a cast taken of the face of General Washington after death, by order of the French Government, and the delineation of his head on phrenological principles, is not only fabulous, as to the cast, but so fantastically ideal as to justify reference to it only as evidence of the tendency to create a likeness of Washington in correspondence with the ideality of the artist.

The fame of Washington growing with time will produce innumerable representations equally ideal, until the standard likeness is recognized throughout the civilized world.

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